

CITY COUNCIL MINUTES
July 13, 2015

The Honorable Council of the City of Evansville met on regular session at 5:30 p.m. on Monday, July 13, 2015 in the City Council Chambers, Room 301 Civic Center Complex, Evansville, Indiana, with President H. Dan Adams presiding. The following business was conducted.

These minutes are not intended to be a verbatim transcript. Audiotapes of this meeting are on file in the City Clerk's Office.

President Adams: The Honorable Council of the City Of Evansville is hereby called to order. Madam Clerk, please call the roll.

ROLL CALL:

Present: McGinn, Mosby, Brinkerhoff-Riley, Robinson, Friend, Lindsey, O'Daniel, Weaver, Adams

President Adams: There being nine (9) members present, zero (0) members absent, and nine (9) representing a quorum, I hereby declare this 13th session of the Common Council officially to be opened.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance will be led by Councilwoman Robinson tonight.

President Adams: Fellow Councilmen, and those in the audience, welcome to the July 13, 2015 meeting of the Common Council

COUNCIL ATTORNEY

Our Council Attorney tonight is Scott Danks.

SERGEANT AT ARMS

Corey Nutt is our Sergeant at Arms.

APPROVAL OF MINUTES

President Adams: Is there a motion to approve the minutes of the June 22nd meeting?

Councilwoman Robinson: So moved.

Councilwoman Mosby: Second.

President Adams: We have a motion and a second. All those in favor? Opposed? So ordered.

Reports and Communications.

REPORTS AND COMMUNICATIONS

IN YOUR JULY 9th PACKET:

- * City Council Meeting Agenda and Committee Meeting Schedule for July 13, 2015
- * Ordinances G-2015-19, G-2015-19 Amended, G-2015-21 and F-2015-9 Amended
- * May 2015 Financial Report
- * Area Plan Commission Report and Meeting Minutes dated June 11, 2015
- * Evansville Redevelopment Commission Meeting Minutes for June 16, 2015
- * Jonathan Merrick Tort Claim
- * London Witte Group Letter concerning Evansville Redevelopment Commission Resolution 15-ERC-32
- * 2015 Tax Phase-In Compliance Summary of Findings from Growth Alliance

EMAILED MATERIAL:

- * City Council Meeting Minutes for June 22, 2015
- * Deaconess Health System Letter of Support for North Main Complete Street Project
- * Eastview Neighborhood Association Letter of Support for Ordinance F-2015-10

ON YOUR DESK THIS EVENING:

- * Revised Short Agenda
- * Extended Agenda
- * Ordinance F-2015-11
- * Citizen Letter of Support for North Main Complete Street Project
- * Letters of Support for Vann Pollack Park
- * Mayor's Office Response to Questions from Mr. Steve Ary on June 22, 2015

President Adams: Our City Clerk tells me that the Ordinance F-2015-11 has not been brought on the schedule yet because it just came in, I think, today or so.

Is there a motion to receive, file and make these reports and communications a part of the minutes of the meeting?

Councilman O'Daniel: So moved.

Councilwoman Robinson: Second.

President Adams: We have a motion and a second. All those in favor? Opposed? So ordered.

First Reading Consent Agenda

CONSENT AGENDA

FIRST READING OF ORDINANCES AND RESOLUTIONS

**ORDINANCE G-2015-19 AMENDED PUBLIC WORKS ADAMS, McGINN,
MOSBY, WEAVER**

An Ordinance Amending Chapter 6.05 (Animal Control) of the Evansville Municipal Code

ORDINANCE G-2015-21 PUBLIC WORKS FRIEND

An Ordinance to Vacate Certain Platted Easements within the Property Bounded by Diamond Avenue to the South, First Avenue to the East, Colorado Avenue Extended to the North, and N. Third Avenue Extended to the West with Common Address of 2500 N. First Avenue, Evansville, Indiana

ORDINANCE R-2015-20 APC C-4 to R-1

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, More Commonly Known as 7501 Telephone Road

Petitioner: MOB, LLC

ORDINANCE R-2015-21 APC C-4 to R-2

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, More Commonly Known as 211, 213, 217, 221, 223 and 225 Waggoner Avenue

Petitioner: Memorial Community Development Corp.

President Adams: Fellow Councilmen, I want to make a note to you that the Ordinance G-2015-19 Amended is the Trap/Neuter/Release thing that we've discussed earlier. Is there a motion to accept the amendment for Ordinance G-2015-19 Amended?

Councilwoman Mosby: So moved.

Councilman O'Daniel: Second.

President Adams: We have a motion and a second. All those in favor? Opposed? So ordered.

Is there a motion to adopt the Consent Agenda as written?

Councilman O'Daniel: So moved.

Councilman Lindsey: Second.

President Adams: We have a motion and a second. All those in favor? So moved.

Consent Agenda Second Reading on our zoning ordinances, of which we have quite a few.

Councilwoman Robinson: Mr. President, I make a motion that we accept the Consent Agenda and move to the Third Reading, which is the final action.

President Adams: Is there a motion to...yes, there has been. We have a motion...

Councilman Lindsey: Second.

President Adams:...and a second. All those in favor? Opposed? Thank you.

CONSENT AGENDA

SECOND READING OF ZONING ORDINANCES

<u>ORDINANCE R-2015-9</u>	<u>APC</u>	<u>R-2 to C-4</u>
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An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, More Commonly Known as 65 – 67 and 69 Adams Avenue

Petitioner: Evansville Brownfields Corporation

This petition comes forward with a no action vote from the Area Plan Commission, having 6 affirmative votes, 6 opposing votes and 1 abstention.

<u>ORDINANCE R-2015-10</u>	<u>APC</u>	<u>C-4 & R-4 to R-1</u>
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An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, More Commonly Known 1119 Lincoln Avenue

Petitioner: Robert & Alicia Davis

This petition comes forward with a recommendation for approval from the Area Plan Commission, having 11 affirmative votes.

<u>ORDINANCE R-2015-11</u>	<u>APC</u>	<u>C-2 to C-4 w/ UDC</u>
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An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, More Commonly Known 116 Baker Avenue

Petitioner: Michael S. Martin Realty XI, LLC

This petition comes forward with a recommendation for approval, with a Use & Development Commitment, from the Area Plan Commission, having 10 affirmative votes.

ORDINANCE R-2015-12**APC****CO-2 to C-1**

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana,
More Commonly Known 2605 Lincoln Avenue

Petitioner: Michael & Cary Gray

This petition comes forward with a recommendation for approval from the Area Plan Commission, having 10 affirmative votes.

ORDINANCE R-2015-13**APC****C-2 w/ UDC to C-2 w/ UDC**

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana,
More Commonly Known 5501, 5521 & 5601 E. Lloyd Expressway

Petitioner: Lloyd Plaza, LLC

This petition comes forward with a recommendation for approval with an amended use and development commitment from the Area Plan Commission, having 9 affirmative votes and 1 abstention.

President Adams: Council now stands at Third Reading of Zoning Ordinances which is final action.

I guess we've received an email from Carolyn Rusk asking this first one (*Ordinance R-2015-9*) be held to the August 10th meeting. Is there...is that the will of the group? I guess there's a Use & Development...we were looking for a Use & Development statement from...

Executive Director of DMD Coures: The Brownfield board voted to approve a Use & Development agreement, which you just got today, so that's why we were asking to postpone it to the August meeting because I don't think Council's had time...

President Adams: So we could absorb it (*Inaudible*)?

Executive Director of DMD Coures: To fully digest it, yes. You could scrutinize it.

President Adams: Okay, thank you. We will.

Councilwoman Brinkerhoff-Riley: Did that come via email?

Executive Director of DMD Coures: Yes.

Councilwoman Brinkerhoff-Riley: Okay, maybe I haven't...

President Adams: Did you get that (*Inaudible*)?

Councilwoman Brinkerhoff-Riley: I didn't notice.

Councilwoman Robinson: No, I don't think it...Kelley, I think it just went to the Brownfields members. I don't think it was sent to...

Executive Director of DMD Coures: No it went...the email from Carolyn, the document, went to Dan so that he could review it and if Dan was happy with it then we'll simply make it part of the...

President Adams: Well I apologize. She must have done that before I...after I had looked at the email (*Inaudible*).

Executive Director of DMD Coures: Well I didn't want you to...I didn't want you to come up here and (*Inaudible*).

President Adams: Well, do me a favor just for the sake of completeness; send it to all of us so they all can do that.

Executive Director of DMD Coures: Will do, and the City Clerk also.

President Adams: Again, please. It may be on my list at home; all I didn't see but...

Executive Director of DMD Coures: It is...it was.

President Adams: But I did not see it before I came down here. That's why I was confused.

Executive Director of DMD Coures: That's why we wanted to wait until August to make sure that you were satisfied with it.

President Adams: How droll. Thank you so much.

Councilman O'Daniel: So should we just move to table this (*Ordinance R-2015-9*) until the August 10th meeting?

President Adams: Yeah. All those in favor? Good, we'll table it till August 10th. Thank you so much.

REGULAR AGENDA

THIRD READING OF ZONING ORDINANCES

ORDINANCE R-2015-10

APC

C-4 & R-4 to R-1

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, More Commonly Known 1119 Lincoln Avenue

Petitioner: Robert & Alicia Davis

President Adams: Thank you for coming. If you could state your name and address please.

Alicia Davis: Alicia Davis, 1119 Lincoln Avenue.

President Adams: This is an incredible project.

Alicia Davis: Thank you. We're very excited. Does anyone...

President Adams: Well I was excited to hear about when it came through. Really. It is a...well please, go ahead.

Alicia Davis: Oh, I just didn't know if anybody had any questions.

Councilman O'Daniel: *(Off Mic)* It's a down-zoning. *(Inaudible)*

Alicia Davis: It is a down-zoning but I will be up-front that we would eventually like to do some light commercial. We're down-zoning to the residential in order to get our loan; our final loan for the home. My husband and I and my two children and our pets are living there. We purchased the property approximately a year ago from Gilda's Club. It was basically gutted when we got it. We've invested a lot of money to start from scratch, basically, put the HVAC, the electric, the plumbing, all in new and this is our commitment to our community and this is our commitment to this property and this home.

President Adams: As some of you may know, this was a commercial building at some time and these fine folks have...really are starting from scratch. It's really kind of cool.

Are there any questions from City Council?

Councilwoman Robinson: I rode past there yesterday and I thought your daughter was having a good time in her little mobile car riding around in the parking lot.

President Adams: Any other comments from City...

Councilman McGinn: I just have a comment. A home and light commercial would be so much better than when it was the TKE house, just so you know.

Laughter

Alicia Davis: This home has a lot of history, a lot of people through those doors and we just feel very blessed to be a part of this project. You know if...worst case scenario, if

we get to live in it that is the best, you know, the best I can ask, then I will accept that, but eventually if we can bring more people through the door and bring in that many more stories and give it that much richer of a history, eventually I would like to do that as well. But for today...

Councilman O'Daniel: *(Inaudible)* Who built that home, or who was it for?

Alicia Davis: It was built for John W. Boehne. He was a congressman and it was started in 1912, finished in 1913. We traveled up to Indianapolis to ask the formal permission of Fran Boehne, the 92 year-old, oldest living descendant of the family, to call it the Historic Boehne House.

President Adams: Well obviously there's a lot of love going into this building. Is there...does anyone dare to remonstrate it? Yes, come up here young lady.

Berniece Tirmenstein: *(Off Mic)* Not a remonstrator, just remarks.

President Adams: I can't hear you.

Councilman McGinn: She said she's not a remonstrator, just remarks.

Councilman O'Daniel: Just remarks.

Alicia Davis: Just a remark.

Berniece Tirmenstein: Hi. Berniece Tirmenstein, 1636 E. Blackford Avenue.

There's a lot of history in that home that I'd like to share. My great-grandfather, Henry Salman, married Elizabeth Boehne and Elizabeth Boehne was the...John W. Boehne, Sr. was the nephew of Elizabeth Boehne and I have a lot of history to share with that. And, you know, when John W. Boehne served his term in congress he had to decide where he was going to live; whether he was going to live in the Washington D.C. area or build a home here and he decided to build it here, a pattern after Monticello.

And you know, there's an old trellis-like wooden structure on Bellemeade that went south...it was built south of the home and that's where the servants would wait to catch the bus and it's still standing.

President Adams: Good.

Berniece Tirmenstein: And I could just share a lot of information.

President Adams: Well, thank you.

Berniece Tirmenstein: We'd gather there often to have the Salmon genealogy.

President Adams: Thank you so much. Great reminisce.

Berniece Tirmenstein: Thank you. *(Spoken to Alicia Davis)*

Alicia Davis: You're welcome, thank you.

President Adams: It's hard to compete with Jefferson as an architect.

Alicia Davis: Oh I know. And if anyone wants to follow along with the progress we've been making, we do have a facebook page for the project and it's under Historic Boehne House. So we've chronicled a lot of the history of the property as well as the updates we're making to it.

President Adams: Thank you. Any further comment? Great. Is there a motion to adopt the ordinance?

Councilwoman Robinson: So moved.

Councilman Weaver: Second.

President Adams: There's a motion and a second. Roll call please.

Comment made while casting her vote:

Councilwoman Robinson: Aye, and welcome to the Fourth Ward.

Comment made prior to casting his vote:

President Adams: To take an old house like this and put all that love and money into it, I vote very much aye. Good luck to you.

ROLL CALL:

Aye: McGinn, Mosby, Brinkerhoff-Riley, Robinson, Friend, Lindsey, O'Daniel, Weaver, Adams

President Adams: There being nine (9) ayes and zero (0) nays, Ordinance R-2015-10 is hereby declared adopted.

Alicia Davis: Thank you very much.

President Adams: Thank you ma'am.

Applause

REGULAR AGENDA

THIRD READING OF ZONING ORDINANCES

ORDINANCE R-2015-11

APC

C-2 to C-4 w/ UDC

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana,
More Commonly Known 116 Baker Avenue

Petitioner: Michael S. Martin Realty XI, LLC

Michael Martin: Good evening, my name's Michael Martin with Architectural Renovators and Martin Development.

President Adams: This is a fantastic project too. Tell us a little bit about it if you would sir. It's a former firehouse, right?

Michael Martin: It's the fire alarm station and I don't know how all the Fire Department works but from what I understand, they took all the dispatch calls. I believe it was built in 1916 and it was on the chopping block to be torn down a couple years ago so...

President Adams: But that picture doesn't do it justice, does it?

Michael Martin: It does not; it looks a little different.

President Adams: You've put a whole new brick wall in and some architectural landscaping.

Michael Martin: We did, we sure did and currently our office is on the second floor. The first floor is kind of a catch-all right now but we enjoy it and talk to a lot of the neighbors that remember when the department was still there and just a lot of memories and a lot of neat people coming around that's excited to see it come back alive.

President Adams: Thank you. Any questions from Council?

Councilwoman Brinkerhoff-Riley: What's the purpose of the rezoning? It's already... it's C-2 and I mean it's...

Michael Martin: To park our trailers and things there inside the space.

Councilwoman Brinkerhoff-Riley: Inside the space or in the lot area outside?

Michael Martin: In the lot area.

Councilwoman Brinkerhoff-Riley: Okay, are you going to do something? Right now that's a gravel...

Michael Martin: Yeah, we're...

Councilwoman Brinkerhoff-Riley:...parking lot.

Michael Martin: We have it sub-graded now and it's ready to pour concrete. We're just trying to play catch-up.

Councilwoman Brinkerhoff-Riley: Okay, and what kind of vehicles are you going to park there? I mean are they like work vans or...

Michael Martin: You know, we'll have probably our...

Councilwoman Brinkerhoff-Riley:...scaffolds?

Michael Martin:...probably our trailer...a trailer or two there, a couple cars inside, a van or two.

Councilwoman Brinkerhoff-Riley: Okay.

Councilman O'Daniel: I assume you'll have some fencing then as well, to go around it.

Michael Martin: The fencing's there.

Councilman O'Daniel: It is? Okay.

President Adams: Any other comments from Council? Are there any remonstrators in our crowd tonight?

I'll entertain a motion and a second.

Councilman O'Daniel: So moved.

Councilman Lindsey: Second.

President Adams: We have a motion and a second. Roll call please.

ROLL CALL:

Aye: McGinn, Mosby, Brinkerhoff-Riley, Robinson, Friend, Lindsey, O'Daniel, Weaver, Adams

President Adams: There being (9) nine ayes and zero (0) nays, Ordinance R-2015-11 is hereby declared adopted.

Michael Martin: Thank you.

President Adams: You bet.

REGULAR AGENDA

THIRD READING OF ZONING ORDINANCES

ORDINANCE R-2015-12

APC

CO-2 to C-1

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana,
More Commonly Known 2605 Lincoln Avenue

Petitioner: Michael & Cary Gray

Michael Gray: Hi, my name is Michael Gray; I live at 2132 Lincoln Avenue, Evansville, Indiana.

President Adams: Tell us a little about your project sir.

Michael Gray: Well I've a photography studio at this location for 15 years and I have just...in the last...well recently we've decided we'd like to put a boutique in featuring bath and body products, local art, local jewelry, and other, you know, other items that would be, you know, appropriate for a boutique. Not necessarily a man-cave but we'd be catering toward women, for sure, and that's...so I...I came in to the...I came down to initially just put a front entrance on my building so I needed a retail presence and I was told that because I needed more parking and so...and had also rezoned to be...I was office/commercial and now I have to be retail/commercial so that's why I'm here.

President Adams: Okay, this was passed 10-zip by the Area Plan.

Councilman O'Daniel: This kind of goes as part of the greater plan of rebranding this area.

Michael Gray: Correct, yes.

Councilman O'Daniel: How do you want to rebrand it?

Michael Gray: Well the neighborhood, we've named it mid-town recently and along with the new neighborhood association...so it just seemed to be a perfect fit for this and offering a retail shopping area for that neighborhood and also sort of similar to what they're doing on West Franklin and downtown, Haynie's Corner, so it's sort of...we'd like to create sort of a pride in a place in a neighborhood that would, you know, that would uplift the whole area.

Councilwoman Mosby: And I've been going to the neighborhood association and talking to other people around there and I've not heard of anyone remonstrating against this.

President Adams: Any other comments from Council? Great. Any remonstrators from the crowd tonight? Good.

Okay, I'll enter...is there a motion to adopt Ordinance R-2015-12?

Councilwoman Mosby: So moved.

Councilman O'Daniel: Second.

President Adams: We have a motion and a second. Roll call please.

ROLL CALL:

Aye: McGinn, Mosby, Brinkerhoff-Riley, Robinson, Friend, Lindsey, O'Daniel, Weaver, Adams

President Adams: There being nine (9) ayes and zero (0) nays, Ordinance R-2015-12 is hereby declared adopted.

Michael Gray: Thank you so much.

President Adams: Good luck.

Michael Gray: You all will have a 10% off coupon waiting for you.

Laughter

Councilman O'Daniel: Might have to disclose that.

REGULAR AGENDA

THIRD READING OF ZONING ORDINANCES

ORDINANCE R-2015-13

APC

C-2 w/ UDC to C-2 w/ UDC

An Ordinance to Rezone Certain Real Estate in the City of Evansville, State of Indiana, More Commonly Known 5501, 5521 & 5601 E. Lloyd Expressway

Petitioner: Lloyd Plaza, LLC

Krista Lockyear: Good afternoon Mr. President, members of Council, Krista Lockyear on behalf of the petitioner tonight.

We're asking to rezone this property from C-2 w/UDC to another C-2 w/UDC. I have to give you a little aside. About two months ago I was up in Indianapolis at a zoning

seminar and some of the discussions among the zoning attorneys, we were talking about Commitments, was beware if you commit too much. I get pressured too much by the neighbors and you make your property really difficult to market and that's exactly what has happened with this property.

In 2000, and I was involved in this rezoning so I'm speaking from personal memory, Dan Buck rezoned a larger parcel, other than just this property. Part of it in the back of it was to be condominium development and this frontage upon the Lloyd Expressway was to be commercial development. At the time the neighbors in Fielding Manor, further back behind the current abutting neighbors, had considerable concerns about just rezoning in general. It had been vacant forever for them and so we went through the typical process, having meetings with neighbors, trying to figure out what would allow them to support the rezoning process. The end result was two-fold. We have the Use & Development Commitment that we are trying to amend tonight and we also have a private covenant that still runs with the land regardless of your vote to amend the Use & Development Commitment tonight.

So unfortunately, 15 years later that property is still setting vacant right in the middle of a very busy area. You know we complain in zoning things about urban sprawl. We want to do infill projects but the commitment, the Use & Development Commitment, restricted the uses on this project so strictly that it's just not very marketable so we're sitting here with vacant land.

My clients that are requesting this rezoning now are two local developer groups. Andy Spurling is here with me tonight and can answer any particular questions you may have. And they are very, very used to doing this type of commercial projects. They've done projects such as Bellmore Commons in Newburgh as you drive along the Lloyd Expressway-right in front of Walmart. Green River Commons, which is the North Green River Road Schnucks area and Lakeside Commons, also there along North Green River Road, and I may have 'em mixed up. One of them has the Ellison Collection Jewelry and a Papa Murphy's. They cater to that type of businesses.

Those uses aren't allowed, or not very many are allowed, under that old Use Commitment so we're asking that you approve this rezoning to loosen up the restrictions on the uses only. The Use Commitment that we have in front of you that you're voting on is the same Use Commitment that Houchens Grocery Store, or Jr. Food Store, got approved a few months ago by you and that process...met with neighbors several times, obviously, and ultimately received your approval on that so we felt that you've already agreed that this Use Commitment was acceptable and that this would be appropriate for this area.

The private covenant I want to touch on a little bit more with you. It still restricts lighting on the property. It still restricts and maintains the existing buffer that is actually between the condominium project and this property on the front of the Lloyd Expressway. It restricts outside speakers so that the noise won't be impeding any of the neighbors behind. It actually has building restrictions on there that the type of the buildings must be 80%; I believe it's 80% brick or masonry construction so it's going to be a very nice development but without this rezoning to loosen up the uses that could locate in this center, and it's kind of a...looking at a...they call it non-anchored retail center so it's some smaller shops there. We can't get this property off the ground so we would ask for your approval.

A couple other things I want to point out. We have a Use...the Use Commitment did not have an Exhibit B on it when we submitted it to Plan Commission. The Exhibit B we had previously, because I'd mirrored what the old Use Commitment was, had the former owner's property sign on it so I've got a new sign I'm going to submit to Area Plan Commission. It's exactly the same as the old one was: one single monument sign that can list any of the uses that are on the property. Billboards are prohibited on the property so that's not an issue.

With that, I'd be happy to entertain any questions you have. I think you all have a copy of the private covenant. I can go into more detail if you'd like or Andy can answer any particular questions you might have. Feel free to ask.

President Adams: Tell me a little about the condo association behind it.

Krista Lockyear: The condo association behind it I got to know very well during the Jr. Food Store rezoning. We met with them a lot, as well as the Fielding Manor neighbors. I've had one...I've had two of the condo association folks call me with additional questions on this particular project. I believe I've satisfied those. I know, Councilman Adams, you asked that I get you a letter in support. I do not have a letter in support from the condo association however I will tell you when we originally sent the notices out, as required by law, we had, and I don't remember exactly if it said...I think it said the meeting was Tuesday on July 13th when it's actually Monday and so we sent a second notice to all of the folks clarifying the date so they are very well aware of it and I'm not sure if there is anyone here in the audience. I don't think I identified anybody but of course you'll ask.

President Adams: Sure. Talk to us about egress.

Krista Lockyear: Sure.

President Adams: How do people get in and out of this place?

Krista Lockyear: Alright, let's get a map up here. This curb cut that you see...do you mind if walk up...will you be able to hear me if I walk over and point.

Councilman McGinn: *(Off Mic)* Krista, maybe if you used the officer's microphone.

City Clerk Windhorst: Yeah.

Councilman McGinn: *(Off Mic)* Turn it on and lean it toward you. You might be okay.

President Adams: That's a great suggestion.

Krista Lockyear: Is it on?

Councilman O'Daniel: *(Off Mic)* Red light.

Councilman McGinn: *(Off Mic)* I think the recorder...*(Mic On)* I think we're mainly concerned about the recording device picking you up.

Krista Lockyear: Okay. I was trying to shout too in that direction.

Okay so the intersection here at Fielding and the Lloyd Expressway is under INDOT jurisdiction and with regard to the improvements that the Jr. Food Store is proposing here at this corner, INDOT and City Engineer's Office are requiring considerable improvements to this intersection.

The entrance to this property is this little curb-cut here and it's been there since, as I can recall, at least 2000. It may have been there even earlier. That's right-in/right-out only because you've got the median, obviously, on the Lloyd Expressway so INDOT has also required, in conjunction with the improvements to Fielding...I think I can move back now...that the Jr. Food Store took into account traffic from this potential retail development when we did our traffic study and determined what improvements needed to be done at the intersection of Fielding and the Lloyd Expressway. So traffic will be right-in/right-out, directly onto this property but will have an access to get through and utilize that improved Fielding intersection as well.

INDOT and City Engineer are still working on those plans but Fielding is going to be widened considerably to accommodate the bus traffic and any additional traffic.

President Adams: Any questions from City Council.

Councilman McGinn: Just, yeah, is this a different traffic study than the one that was provided to us at Houchens?

Krista Lockyear: No, it is not.

Councilman McGinn: Okay.

Krista Lockyear: And they requested that we consider that this property will have to use that as well.

Councilman McGinn: Okay, I thought that the numbers they used in that study, and again I'm just going on memory, I thought those numbers were only Houchens plus their...the undeveloped lot to the south of where Houchens was going to put their grocery store.

Krista Lockyear: INDOT was very, very aware, as MPO, that this...this property being right-in/right-out only was going to want to access through this direction as well. At Houchens, if you recall with Jr. Foods, will also be using this entrance so that's part of the overall traffic plan. They actually agreed with the neighbors that delivery trucks would use that right-in/right-out only off the Lloyd so they wouldn't be clogging up Fielding so it's a...kind of an overall plan.

Councilman McGinn: Okay, but a development here then won't increase the traffic, the numbers using Fielding and Lloyd intersection that we discussed at the Houchens rezoning.

Krista Lockyear: I believe those are in the traffic count that Houchens did do.

Councilman McGinn: Okay.

Krista Lockyear: And I could be incorrect about the count but INDOT was very aware and asked us to consider that flow of traffic from this development as well. We actually had a meeting at the City Engineer's office with INDOT on the telephone and the MPO representatives and there was quite a bit of discussion about that issue.

Councilman McGinn: Okay, thanks.

President Adams: Anymore comment? I must confess that I've gone back and looked at the Houchens property a number of times since our discussion and I must...it just is empty about 90% of the time. When school's coming in and school's coming out, otherwise it is virtually empty all the time.

Are there any remonstrators tonight? Okay, I'll entertain a motion.

Councilman O'Daniel: So moved.

President Adams: We have a motion and a second. Roll call vote please.

Councilman McGinn: I think that the changes are not going to really make much a difference in the traffic but I mean I'm still opposed to the traffic in the intersection and for that reason I'm going to vote no on this. Thanks.

Nay: McGinn, Brinkerhoff-Riley

Krista Lockyear: Thank you.

SECOND READING OF ORDINANCES AND RESOLUTIONS

BRINKERHOFF-RILEY

An Ordinance to Vacate Certain Public Ways or Public Places within the City of Evansville, Indiana, Commonly Known as 100 W. Buena Vista Road

O'DANIEL

An Ordinance of the Common Council of the City of Evansville Authorizing Transfers of Appropriations, Additional Appropriations and Repeal and Re-appropriation of Funds for Various City Funds

O'DANIEL

An Ordinance of the Common Council of the City of Evansville Authorizing Repeals, Re-appropriations and Additional Appropriations of Funds within a City Department (DMD)

CHAIRMAN O'DANIEL

Chairman O'Daniel: Mister President, your Finance Committee met this evening to hear ***Ordinances F-2015-9 Amended and F-2015-10*** and both come forward with do-pass recommendations.

CHAIRMAN LINDSEY

Chairman Lindsey: Mister President, your Public Works Committee met this evening to hear ***Ordinance G-2015-18*** and it comes forward with a do-pass recommendation.

President Adams: Is there a motion to adopt the Committee Reports and move the ordinances to a Third Reading?

Councilwoman Robinson: So moved.

Councilman Weaver: Second.

President Adams: We have a motion and a second. All those in favor? Opposed? Third Reading.

REGULAR AGENDA

THIRD READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE G-2015-18 PUBLIC WORKS BRINKERHOFF-RILEY

An Ordinance to Vacate Certain Public Ways or Public Places within the City of Evansville, Indiana, Commonly Known as 100 W. Buena Vista Road

President Adams: Any further discussion?

Is there a motion to adopt Ordinance G-2015-18?

Councilwoman Brinkerhoff-Riley: So moved.

Councilman Weaver: Second.

President Adams: We have a motion and a second; roll call please.

ROLL CALL:

Aye: McGinn, Mosby, Brinkerhoff-Riley, Robinson, Friend, Lindsey, O'Daniel, Weaver, Adams

President Adams: There being nine (9) ayes and zero (0) nays, Ordinance G-2015-18 is hereby declared adopted.

REGULAR AGENDA

THIRD READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE F-2015-9 AMENDED FINANCE O'DANIEL

An Ordinance of the Common Council of the City of Evansville Authorizing Transfers of Appropriations, Additional Appropriations and Repeal and Re-appropriation of Funds for Various City Funds

President Adams: Is there a motion to adopt Ordinance F-2015-9 Amended?

Councilman Friend: So moved.

Councilman McGinn: Second.

President Adams: We have a motion and a second; roll call please.

ROLL CALL:

Aye: McGinn, Mosby, Brinkerhoff-Riley, Robinson, Friend, Lindsey, O'Daniel, Weaver, Adams

President Adams: Nine (9) ayes, zero (0) nays, Ordinance F-2015-9 Amended is hereby declared adopted.

REGULAR AGENDA

THIRD READING OF ORDINANCES AND RESOLUTIONS

ORDINANCE F-2015-10

FINANCE

O'DANIEL

An Ordinance of the Common Council of the City of Evansville Authorizing Repeals, Re-appropriations and Additional Appropriations of Funds within a City Department (DMD)

President Adams: Is there a motion to adopt Ordinance F-2015-10

Councilman Mosby: So moved.

Councilman Weaver: Second.

President Adams: We have a motion and a second; roll call please.

Comment made prior to casting her vote:

Councilman Mosby: For the future of our Second Ward and our kids, I vote aye.

ROLL CALL:

Aye: McGinn, Mosby, Brinkerhoff-Riley, Robinson, Friend, Lindsey, Weaver, Adams

Nay: O'Daniel

President Adams: There being eight (8) ayes and one (1) nay, Ordinance F-2015-10 is hereby declared adopted.

Applause

MISCELLANEOUS BUSINESS

The next meeting of the Common Council will be held on Monday, July 27, 2015 at 5:30 p.m. Committee meetings, at least now, begin at 5:20 p.m.

President Adams: Andrea Lendy, Business Services Coordinator, will give us an annual report for our Tax Phase-In Compliance Report.

Lendy of GAGE: Hello.

President Adams: Who did you roast this year?

Lendy of GAGE: Nobody (*Inaudible*).

President Adams: I'm not kidding.

Lendy of GAGE: For the record my name is Andrea Lendy and I'm the Business Services Coordinator with the Growth Alliance.

In your packets you will find a summary of my findings for the first group of companies for tax phase-in compliance. The companies who have missed either of the compliance numbers by greater than 90% have been notified and have filed letters regarding their compliance for you review.

Essentially, all that you guys have to do is review the company's forms and determine the compliance of the companies, and should you decide not to grant compliance based on their letters of explanation, I will submit a letter to the companies requesting a company representative to appear at the next Council meeting to answer any questions.

After discussions with the representative, the Council can grant compliance or propose a resolution to withdraw tax phase-in if the company does not meet requirements for compliance.

Please remember, per state code, that companies are not...are only found non-compliant if failure to substantially comply was not caused by factors beyond the control of the property owner, such as declines in demand for property owner's products or services.

President Adams: Any questions from Council?

Councilwoman Brinkerhoff-Riley: Yeah, I have a...more of a comment, I think, to the group. When I look at the five...looks like there's at least five companies that are out of compliance with one of them having...couple of them, you know, at less than 50%, what I would suggest that we do, and it's just a suggestion, is that a member or two of this body have some face-time with the actual companies that are out of compliance and come back here and tell us. I mean we want economic development. It's not at all, I think, any of our goal to make people uncomfortable or to create a deterrent but at the same time, you know, I really thing that we need explore sort of the rubber stamp concept that we have become in this area. And so that would be my suggestion. You know alternatively, if that's not feasible, I would request that the companies actually appear and so we have some discussion. I haven't had a chance to review this statute

but it's not as simple as simply beyond their control and I will do a memo to the group on that if, you know, if Mr. Danks, you know, I know he's got a lot going on in terms of other things so I mean I can do that.

But I would like to, in as unobtrusive way as possible, talk to the companies about their lack of compliance and sort of what they foresee for the future in this regard.

Councilwoman Robinson: Councilwoman, I think that the company should be...should come to Council instead of just having one or two talking to 'em. I think they should make an appearance before Council. Before GAGE took over, when we had in-house...when we'd handle tax abatements through DMD, the companies did come before us and I think we need to start that procedure back. The ones that are not in compliance, I don't want to hear what you have to say or anybody else have to say, I want the companies to come to me, come to Council and let the public and my colleagues know why they're not in compliance.

Councilwoman Brinkerhoff-Riley: I withdraw my suggestion. *(Off Mic)* That's fine. I mean, you know, I mean I would...*(Mic On)* I think we should, one or the other, yeah.

President Adams: I must confess, when you read the letters of those people that are not in compliant, they really are heartfelt. But I have no objection for them baring their souls in front of us. Is that a pattern perhaps we could...?

Lendy of GAGE: With me is Shance Sizemore.

President Adams: Could we bring that together next year or is that...is that something you want to do this year?

Councilwoman Robinson: I'd like to start that immediately.

Sizemore of GAGE: Yeah, ah...so...but...

President Adams: I think there are four or five that are out of compliant.

Sizemore of GAGE: Correct. It would be, in this case, we're looking at Mead Johnson, SS&C Technologies, and Joe. W. Morgan, so three. Two of...or the ones that are in yellow represent multiple projects for Mead Johnson, which have gone...I know the explanation's gone in the past was really it's this split between Bristol-Myers and Mead Johnson as two separate companies and no longer can could the Bristol-Myers employees. But in regard to having them come before Council, it would just require us to send them a letter on your behalf requesting that a representative come to the next Council meeting and I believe from my switch prior to me taking over this role in

training, I think some of the transition to a letter instead of having companies come each time just because it was dragging out over the course of a year rather than...whereas they got them rather than being presented to you as kind of a unit is my understanding.

President Adams: As I remember it, there wasn't much being done at all.

Sizemore of GAGE: Oh yeah, yeah. There...

President Adams: The letter was a...the first step of us having some accountability for that.

Sizemore of GAGE: Correct, there was...

President Adams: And then we started talking about clawbacks, which...

Sizemore of GAGE: Correct. We're, you know, it's...we spent a long time going through our old files, finding...you know, some companies had never submitted and they were in year six or seven so when we started looking at 'em we realized that there was some issue in the whole compliance procedure and so we wanted to make sure that we were actually following up with companies.

But in regard to Connie's statement, absolutely; that's not that big of a deal. We will go ahead and start submitting those, if that's the request of the Council.

President Adams: Do we have a...do we need a motion to vote on that or...

Councilman Friend: Yeah.

Councilwoman Robinson: I'll make a motion that they come...when they're not in compliance that they before us.

President Adams: Any...is there a second?

Councilwoman Brinkerhoff-Riley: Second.

President Adams: All those in favor? Opposed? So moved.

Councilman Friend: Can I ask a question here?

Sizemore of GAGE: Yeah.

Councilman Friend: On the Joe Morgan I'm looking at in the yellow, he has 3.1 million in total investment in personal property; projected 1.7 but I noticed down in the real property he's kind of off by 600 but in totality in the total investment...am I reading that right? He's still considerably high.

Councilman O'Daniel: But that would be part of the explanation as to why and there's...

Speaking Simultaneously

Councilman Friend: Well that's what I'm saying. I'm just asking.

Sizemore of GAGE: Correct. I don't know. I didn't run those numbers. I think the biggest concern of their side also was the employment number.

Councilman Friend: It's not off by much.

Councilman O'Daniel: 42 to 36.

Sizemore of GAGE: Yeah, and it's not off by much. We request letters from anybody below 90%.

Councilman Friend: Below 90, okay.

Sizemore of GAGE: Correct.

President Adams: Any other comments? I would like, at this point, because we have GAGE here to let you all know that about 10 days ago I met with a new company called Microbide™. The CEO is Margaret Skelly and Dr. O'Reilly from...they live in Dublin. He's actually a professor at a university in Cincinnati and they make micillized aldehydes and basically what a micillized aldehyde is, aldehydes vaporize very quickly, they disappear real quickly. But if you can put on an inert little nanogram-type molecule, they'll sit around and they are developing something that will kill everything in terms of fungus, bacteria, protozoa, viruses. For example, if you had a well that was full of cholera, you could put a gallon of this in. It would 100% kill the cholera and three days later you could drink the water. Absolutely incredible and I think this is pretty exciting. We're trying very hard to find a birthing place for them.

Mead Johnson thought they were going to have a place and then for some odd reason they decided they didn't. I think that's a mistake but that's just my comment on it and I just want to let you know how exciting that is because I think that could, within a year or two or five, be the first private research entity for the med school second or third block. This is what we're looking for over there.

I wanted to thank you guys for doing that.

Sizemore of GAGE: Thank you.

Speaking Simultaneously

Lendy of GAGE: Thank you.

President Adams: I must confess that they tried to bribe me by bringing some Irish salmon fly but that's okay.

City Clerk Windhorst: I have a question.

President Adams: It was a lovely gesture, by the way.

Please.

City Clerk Windhorst: Would you like to accept the Tax Phase-In Compliance Reports with those that are in compliance already?

President Adams: Sure. All those favor of...I'm sorry...

City Clerk Windhorst: Can we get a motion and a second?

Councilman O'Daniel: Is there a motion to accept the...those in compliance reports?

Councilwoman Robinson: So moved.

Councilman Mosby: Second.

President Adams: All those in favor? Opposed? So moved. That makes your job a little easier. Thank you so much for coming here.

Lendy of GAGE: Thank you.

Speaking Simultaneously

Sizemore of GAGE: Thank you.

President Adams: Okay, Allen Mounts. Join us.

Executive Director of W&S Utility Mounts: Thank you President Adams. The presentation this evening, I've asked Mike Labitzke to cover the presentation with you this evening. We do have a hand-out, which I'll provide to you but we've been working on a communications program related to our inspection and cleaning projects with the

sewer lines and manholes. It's called Clear Path and Mike is here to explain what we're trying to do with the Clear Path program.

Deputy Director of W&S Utility Labitzke: *(Inaudible)* Mr. President and Council.

Here tonight to talk about Clear Path, which is a new initiative that the Water & Sewer Utility is launching to just help the discussion about what easements are. Part of our Consent Decree involves not only a large capital investment but also proper management and operations of our existing system and that has become a challenge as we're satisfying the first round of those requirements.

The challenges really revolve around the timeline that's been set for us as part of this federally mandated program. The goal of the entire Consent Decree is to reduce the volume of combination sewer overflow that goes in Pigeon Creek and the Ohio River but it's also to completely eliminate sanitary sewer overflows that exist on the outskirts beyond the combination sewer...existing combination sewer limits and the elimination of those sanitary sewer overflows are a direct result of improving our operations, our maintenance, our cleaning, and inspection cycles.

There are fines for not accomplishing all the goals within the criteria of the Consent Decree. Different criteria have different fines and penalties and we can discuss what that means on the operation and maintenance side in just a minute.

As I mentioned, on slide #4, there's two parts to the Consent Decree. The capital improvements part, which when it's all said and done will be the largest capital project in Evansville's history, taken as one program and that was submitted in May of 2013 and we are still in negotiation for what that will look like in its final...it's final sense.

But with that, there's also a requirement to inspect all manholes and small diameter sewers within seven years for sewers that are in the range of 8" to 15" in size. That's part of what we call the Capacity Management, Operation and Maintenance or CMOM is the acronym. The goal of CMOM, through inspection is cleaning, is to minimize or eliminate line blockages, failures, back-ups into homes; essentially get them before they cause a problem. We have been working at this now; we're in the middle of our fifth year and we have seen reductions in areas where we have been very proactively working.

But we have an issue that's emerging as we are heading towards our trying to maintain and achieve our 100% on inspection and cleaning of these lines and manholes and they are that as we work from the outskirts of the system through the sanitary sewer system into the combined sewer areas we are having challenges into getting into manholes and sewer lines that are in easements and it's simply a function of the age of the community and neighborhood we're moving into. The newer neighborhoods, the newer

subdivisions, easements are typically cleared, fences and landscaping, other improvements, are typically not constructed on the easement; they're left for the utilities but over time, over decades with changes in home ownership, people simply forget that easements exists and they start building their fences, start building their landscaping, start putting their yard barns, above-ground pools, things of that nature, in easements so that's our challenge.

The CMOM operation is run through the Engineering Department of the Water & Sewer Utility. We currently have nine inspectors that are trying to perform and complete this work. And as I said, we started on the outskirts and we've been working our way in over the first five years.

So Operation Clear Path is an initiative to educate residents about one, the sewer inspections and cleanings that we're required to do but also educate them about their easements and their responsibilities with their easements that exist on their property. Easements, in a nut shell, are strips of ground, typically, that were granted to...for public utility installation to service those property owners; either that exact property owner or an adjacent owner or, you know, as you extend out, all the way through a subdivision or a neighborhood.

The problem that we have, the challenges that we have are that hundreds of the easements are now blocked with improvements, private improvements on private property and these obstacles range from, you know, shrubs, trees, fences, yard barns, garages, above-ground swimming pools, in-ground swimming pools; we've really run across an entire gamut of things that have been built in easements.

And we're running into time challenges because our requirements are to be 100% completed by November 1st of 2017 with our first round of inspection. We're running into time challenges coordinating with homeowners and residents to get into these...through these easements to...so we can complete our inspection and cleaning work and it's really hampering our progress, or starting to really hamper our progress.

The other dis-benefit of not being able to access these sewer lines, even today, not just for our inspection and cleaning, is that our maintenance crews, when we have a call-in of sewer back-up or you have sewage in somebody's basement or in somebody's back yard, we can always necessarily easily get to that spot to assist our customer, to clean up the mess, to stop the release of the sewage so clear easements on an on-going basis will have a benefit to the Utility and our service ability to our customers.

Slide #9 is a graphic of some of the things that we have encountered... just, you know, not all easement obstructions are created equal and we are trying to work through the challenges. We have, as I said, we have nine inspectors. At least one is dedicated all the

time to...doing reconnaissance to locate manholes and identify if there're access issues. To date, there's a couple of pictures here; you know you can see a yard barn that we found that was actually built over the manhole probably to conceal the manhole from not being in the backyard. We had to move that yard barn.

The next picture shows, you know, large equipment that we need to get through the easement so while our intention is try to work around...you know we're not up here to ask for a clear removal of easements. Please don't hear me incorrectly. We are dedicated to working with folks to try to work around what's there but sometimes we just can't work around what's there. The picture of the equipment that we use on slide #11 is an example of, you know, the width that we need so that tracked easement machine is about five feet wide so sometimes it fits through a privacy fence gate, for example, and sometimes it doesn't so all this causes delay in what we're trying to do.

A pretty difficult situation on slide #12 shows that you have a sewer that runs between homes to get from street to street and right in the middle of that run, right where you see the 10" x 10", you can see a garage. Actually it's a four-way garage. It's a garage that has four doors on it, one for each homeowner in that corner and that garage is built directly over our sewer easement so...big challenge for us, you know, to try to get in there and inspect and clean that line. It would become even a bigger challenge if we had to rehabilitate or replace that one.

So these are the types of things we're just trying to get out to the general public so they understand, you know, where we are and what we're trying to do.

How we got here? You know we...we have been playing catch-up since we assumed management of the Water & Sewer Utility back in 2010. 2010 was our first year of seven that we were required to start our inspection and cleaning cycles. There are several milestones there. One is that we have to clean and inspect at least 75 miles a year and we've been doing that either through in-service/in-house or outsourcing to help us meet that mileage, those mileage goals, but the second major milestone is something we're reaching November of this year. On November 1 of 2015, we have to be 70% finished with our 610 miles of 8" to 15" sewer line that exists, and then November 1 of 2017 we have to be 100% complete so you can see as we're approaching that 70% mark, the 80/20 rule is starting to come in to play. You know we're...we easily are going to be able to get about 80% but that last 20% is going to be a real challenge.

We've had to...you know we've been deferring inspections that have been challenges to date until we were able to get the word out. Some of the other challenges we face are that sewer lines were sometimes built privately by developers. We now assume those sewer lines when it's appropriate but they're not mapped well so we're trying to map as we go as well.

And then most importantly, easements are usually not clearly marked at all. Property owners may not even know that they have an easement.

So as I said on slide #14, we have 610 miles of sewer line that we're trying complete inspections and cleanings on. It says we're about 330 miles complete but this slide is about six weeks old. We're actually about 370 miles complete right now and by 2017 we'll be expected to be 100% clean, which means we have to do about 100 miles a year. We have been on a clip of about 82 to 90 miles a year so we're...as we're getting more sophisticated with what we do and try to up our production rate, the challenges also are coming at us more frequently too so...

And this cycle is not a one-time deal so the first...after the first cycle of 2017 then the same Consent Decree require us to redo this every 10 years so it's a perpetual...it's a perpetual requirement.

One of the main reasons we wanted to present today is just to kind of, you know, start the conversation with the public about what...whether property owners know that they have an easement or not and if they're responsible for it. All easements are on a property deed or a platted subdivision. That can be found in the Recorder's office.

We have tried to put together searchable aerial maps on EWSU.com/easement where we've identified at least that the sewer line exists and you can go and look at your address aerially and see if there's a sewer line that's close. We did a quick query in the GIS mapping that we have and about 24,000 parcels have a sewer line that is on or within five feet of their property, by the maps. Now to me that tells me it's most likely in easement. Most of those 24,000 folks, however, I can guarantee you don't necessarily know that they have that easement. And you can also look at property maps that are available to the residents within the Assessor's Office.

Most obstacles can be costly to move and we know that we're trying to be sensitive to that, that's why we're trying to get the word out there, let them know what their responsibilities are, let them know what are needs are.

I talked about the website that we launched last...the end of last month. We also had a media release at the end of last month, a social media release on Facebook and Twitter, I believe, for the Renew Evansville brand, the Renew Evansville initiative. We had a virtual public meeting, public town hall meeting on WNIN two weeks ago. We will put bill inserts...information in our bill inserts starting this month in July and as we go into neighborhoods we are going to prepare a letter to let folks know that we're entering a neighborhood and that manholes inspectors will be out looking for the infrastructure and also identifying if there's access problems. If they...if that inspector identifies an access problem then they will either talk to the homeowner...just the initial findings or

leave a door hanger if no one's home of the initial findings and that they'll be back. And then at that time a field manager will be there to discuss what the options are, whether it's a right of entry for someone who has a manhole directly in their back yard or clearing easements down the backside of the entire half city block. I mean that's...those are the things we're up against. As I said, very few easements today you can go down and look down and see a completely clear easement. At least one person seems to have a yard barn or a fence or a pool or landscaping or something in that easement so...but that's what we're up against. About 30% or 24,000 parcels going in. Not everybody has something on their property that's in the way, and again, we'll certainly try to work around anything that is in the way if we can. We need some minimum clearances for our machinery.

That's it. Are there any questions?

President Adams: Any questions from Council?

Councilman O'Daniel: This may be a segway into the next topic but obviously you're talking about cleaning and those sort of things but easements exists for other reasons too so if you have to replace it. As to the hotel and the medical center, is there an easement that may have to be vacated or is the parking garage due to be built on an area where there's a storm sewer?

Deputy Director of W&S Utility Labitzke: No, to my knowledge there was a vacated right-of-way and there was a sewer project to move that sewer from that right-of-way.

Councilman O'Daniel: Okay, so we're moving the sewer to make room for that and that hasn't been done yet, correct?

Deputy Director of W&S Utility Labitzke: It's been bid.

Councilman O'Daniel: What's the anticipated cost of that?

Deputy Director of W&S Utility Labitzke: I don't know off the top of my head; I'm not the project manager. I have a host of project managers. That was actually opened when I was on vacation so I don't know.

Councilman O'Daniel: What's your guess? Five million?

Deputy Director of W&S Utility Labitzke: It was probably four-something, yeah. So that sewer relocation is not just that or that so that's also part of our long-range Integrated Overflow Control Plan which is part of the larger capital portion of this solution set. We identified some advantages actually to move that sewer all over to

Cherry Street to combine combination sewer volumes into one place with will give us advantage down the road so yes, we did move for the Integrated Overflow Control Plan as well.

Councilman O'Daniel: Is that being paid for out of that bond or is it paid out of some other bond?

Deputy Director of W&S Utility Labitzke: That's a sewer revenue bond I believe.

President Adams: Any other questions? Any questions from the crowd?

I must say about three or four years ago when you first got your camera I was called with a guy whose front yard had flooded four years in a row. He had to replant his tree four times in a row. I can remember that. You guys came down there the next day. You did an angio...well you did a camera diagnosis of it.

Deputy Director of W&S Utility Labitzke: Our version of the angio...

President Adams: And did sort of a cutting angioplasty for an 80% obstruction of a root and it was completely cured. It was amazing.

Deputy Director of W&S Utility Labitzke: Our recurring blockages are way down.

President Adams: Yeah. I'll take this opportunity; Mr. Mounts, I'm going to be sending you an email tomorrow about a problem that I got from an email about low water pressure on Tower Lane off of Lake Drive. I haven't...John, I haven't had a chance to...Councilman Friend, I haven't had a chance to notify you about this particular problem that I was notified today but I will tomorrow so I will be sending you an email about diagnosing why allegedly there's low water pressure at Tower Lane on Lake Drive but I do appreciate your thing.

Any other questions about this? Thank you so much.

Deputy Director of W&S Utility Labitzke: Thank you.

President Adams: Okay, I guess Ms. Schuler's not going to be here tonight.

Assistant City Attorney Cirignano: Nick Cirignano, Assistant City Attorney. Yeah, Sarah is in California...

President Adams: Good for her.

Assistant City Attorney Cirignano:...and she had that...yeah, she visited the redwood forest with her children and things like that so she's probably in a happier place right now but she will be back this week and is available for any questions because to the extent there's construction nuance that I can't answer, she'll be happy to help you with that.

So as I said, Nick Cirignano, City Attorney's Office. I believe on your desk we placed responses to Mr. Ary's questions that were posed at the last Council meeting and I have a copy of those same responses for Mr. Ary if would like those.

But I believe on the agenda this is billed as an update regarding the hotel. As you might recall, the Mayor was here on March 30th, as was I, and at that time we presented to the Council the revised agreement with our developer for the downtown convention hotel. It was called the Second Amended and Restated Development Agreement. That agreement has not changed. I think sometimes there's rumors and innuendo that go around regarding this project and that has not changed since that time to the extent there would ever be a change it would have to be approved at a public hearing before the ERC, or a public meeting rather.

So, that has changed. At that time I believe the Mayor indicated to this body that it would take about 90 days to revise the design documents for the hotel project. That has occurred as you can see the documents lying over there; they've been made available since we received them last week at the Department of Metropolitan Development. I think we made some efforts to get President Adams a copy. I don't know if he got them yet. I don't know if he would want to review those but nonetheless, they're available.

To the extent you have any specific questions, I would...on those I would direct those to Sarah. I have no ability to read those. So at this point, the document...the design documents are completed with input from Hunt. That process was done to insure that it would be brought in within the existing budget and we believe that we're there. As I stand before you today I'm told that we are...now within budget. The design documents have been submitted to the State for State Design Release. Hunt is going through final pricing on various bid packages. By the end of the month we anticipate the developer entering into a guaranteed maximum price contract with Hunt to insure that it gets brought in within budget, and furthermore...and then finally, we anticipate that as these different things play out, the brand should be awarded mid-August, early to mid-August; finalized financing with an anticipated close, mid-August.

So that's the update, where things stand today. I think its good news. I guess people are going to have certain questions regarding details of the project, and I get that, but this is the fourth go-around on this for a reason. It hasn't been an easy project; it's been

very hard. I think everyone involved has been maybe not surprised but unhappy maybe with how hard it's been but we're there. You know we have a design within budget for a 240-room, downtown, convention style hotel that we believe will be the fix that we need for our downtown convention business. There'll be high-synergies with the med school that's going in. We have a good project and it's going to be subject to the same brand standards that we anticipated; it's going to be a Hilton DoubleTree.

So with that, I'll open it up for your questions.

President Adams: Any questions from Council?

Councilman O'Daniel: If there is a guaranteed maximum bid, how does the City's money fit into that equation? Are we the last to go in because it's up to a 20 million dollar bond, correct? Are we the last to go in or are we in...is the...

Assistant City Attorney Cirignano: No, it depends on...

Councilman O'Daniel: Is that in and...?

Assistant City Attorney Cirignano: Right. This is what you're talking about, okay, so with respect to the hotel our 9.9 million is in. That's just...it's dollar for dollar. We know...we know up to 9.9 million. We know it's going to cost more than 19.5 million bucks or 20 million bucks, the hotel that is, so you know our money is all in on that because it's dollar for dollar with the developer.

Councilman O'Daniel: Okay, so really we're just putting in the first money then is what you're saying. Is it dollar for dollar with the developer or...

Assistant City Attorney Cirignano: It's dollar for dollar with the developer and the developer is not just HCW but it's also Old National Bank.

Councilman Friend: Wasn't the original one when we first got in this, it was really...wasn't it 7.7 million?

Councilman O'Daniel: *(Off Mic)* 7.5.

Councilman Friend: 7.5 million; now all of sudden we're up to 9.9. I guess that's what I...

Assistant City Attorney Cirignano: That is correct.

Councilman Friend: I'm getting a lot of feedback from some of my...my people in my ward that they can't understand why we seem like the *tote*/itself; the footprint's smaller but yet though we have much more into it. It's a...that's...that's something that's giving me some heartburn.

Assistant City Attorney Cirignano: No, I understand the question. You know, reality set in. You know we were given certain budget constraints; we've worked within those constraints and now we've gotten to the point today where we have a project that we think accomplishes the economic development goal that we set out to achieve. Do I wish there was a rooftop bar? Of course; I would love to sit on a ten-story rooftop bar but our hotel consultant, Rob Hunden, gave us a number of rooms that we thought that was necessary in order to serve the convention business. This project achieves that goal.

So maybe we don't like the fact...maybe you don't like the fact it doesn't have rooftop bar but it's still a nice hotel. It's a Hilton DoubleTree branded hotel. It has enough rooms to serve the convention business and it gets us where we need to be from an economic standpoint.

Councilwoman Robinson: Hey Nick, I guess what I hear people saying is that we committed funds to build an elaborate hotel and now it looks like we're just going to have a nice Fairfield Inn.

Assistant City Attorney Cirignano: Well I don't...I guess I don't really know exactly what a Fairfield looks like but, once again, it's a Hilton DoubleTree brand. I think maybe there is a little naivety about what we can expect for a certain amount of money. You have recall, I wouldn't even be here talking about this project today if Old National Bank hadn't agreed to put in ten million dollars so we can't forget that not only did we not fund a four-star hotel, we didn't even fund the Hilton DoubleTree but fortunately we have partnership with Old National Bank and they're making this possible in part. Obviously the citizens of Evansville in part as well but this is the type...you know, people don't necessarily expect to stay at a...I don't want to get into the details of the convention business but we feel that this is what we need, this is sufficient, this gets the job done.

Councilwoman Robinson: The Jehovah's Witness convention was here, what, a couple...a month ago or so. Did they have a hard time finding places to stay?

Assistant City Attorney Cirignano: I have no idea. You need to...someone from the Convention and Visitor's Bureau for that.

President Adams: Any other comments?

Councilman O'Daniel: Well, now you're saying it's sufficient and it's good enough and...

Assistant City Attorney Cirignano: No, Conor...

Councilman O'Daniel: The thing is when we, you know, when we committed the 16.5 million plus the other money that the County and the CVB were going to commit, you know the...you talk about the naivety, that was perpetrated by HCW, the same people who are...who have offered this project as well. You know I mean if the naivety extends to us, they're the ones that were selling it to us so either, 1) they knew they couldn't deliver on it or they realized that, look, once we get 'em on the hook, then we got 'em and then we can value engineer it all the way down to a five-story hotel that albeit it will be nice but certainly not what we committed the money for. I mean there's absolutely no doubt in my mind, or anybody in this community, that the pictures that we were shown, the glass façade, ten-story, you know, beautiful building that would be a centerpiece of any downtown, is now reduced to a five-story structure that you could find along I-69. Now there...

Assistant City Attorney Cirignano: I respectfully disagree. I think if you...

Speaking Simultaneously

Councilman O'Daniel: Well, I mean it's true.

Assistant City Attorney Cirignano: If you view the mock-ups, it's...

Councilman O'Daniel: But the thing is once we committed the money, we weren't given an opportunity...

Speaking Simultaneously

Assistant City Attorney Cirignano: That is just not a fair characterization.

Councilman O'Daniel: Well, it is.

Assistant City Attorney Cirignano: No it's not.

Councilman O'Daniel: And once we...once we committed the money, we weren't given an opportunity to retract that or to say yes or no to the new design because the bond had already been committed but, you know, that's...that's my take on it. Do I want a downtown hotel? I do, I'm just not sure that what has now been promised and drawn up and debated ad nauseam is the right thing for the City at this point. I mean that's...

Assistant City Attorney Cirignano: Well, here's a point that I would make. You know, first of all, it's a Hilton DoubleTree hotel, okay? It's going to meet the brand standards. You wave your hands but this is...this is what fits our budget. Second of all, once again,

Old National Bank is putting in ten million dollars towards this project because the City didn't want to commit that much of a subsidy. If this project doesn't go, Old National needs to start paying back the County for its naming rights so the point is in the future it's not as though there's going to be another ten million dollars from a corporate partner to make this project feasible and the co...

Unidentified Speaker: *(Off Mic) (Inaudible)*

Assistant City Attorney Cirignano: Furthermore...furthermore, the cost of the project is only going to go up; it's not going to get cheaper next year, it's not going to get cheaper two years from now and we don't know that we're going to have a corporate partner for ten...putting in ten million dollars in a couple years. This project is feasible now. It'll be a very nice hotel and it will achieve the goals that we need.

Councilman O'Daniel: *(Off Mic)* And we'll be building at the same time as the med school so we'll probably bring in workers to do that.

Assistant City Attorney Cirignano: Why would we have to do that?

Councilman O'Daniel: *(Off Mic)* Because the demand will exceed the *(Inaudible)*.

Assistant City Attorney Cirignano: Industrial Contractors is building the medical school.

Councilman O'Daniel: *(Off Mic)* Right, but they'll use *(Inaudible)*.

Assistant City Attorney Cirignano: Well, you know, I would, respectfully, that's pure speculation. I would have Sarah Schuler respond to that because I don't think, you know, you and I are practicing lawyers; I don't think we know how construction projects in Evansville get staffed.

Councilwoman Brinkerhoff-Riley: Well there's only so many members of electrical workers and basically everybody's working right now so it's not speculative that...I mean at 18 months of construction as opposed to three years will inevitably require outside labor. I mean you...

Assistant City Attorney Cirignano: I don't know that and I...where's Paul Green? Is he...is he in the audience?

Councilwoman Brinkerhoff-Riley: I'm sure you would at least agree that had these been staggered that three years of construction would have been preferable to sort of the mass...

Assistant City Attorney Cirignano: Of course, we wanted to be done by now.

Councilwoman Brinkerhoff-Riley:...of 18 months.

Assistant City Attorney Cirignano: Absolutely.

Councilwoman Robinson: *(Off Mic)* Go ahead.

Councilwoman Brinkerhoff-Riley: I just...I had a couple questions. I have filed a document that I wrote that is a summary of...that's sets the record straight. I'm going to offer you a copy of that if you want to...

Assistant City Attorney Cirignano: I have read it.

Councilwoman Brinkerhoff-Riley: Okay, and I...and I...if you read it then you'll know... I'll tell you that the second to last paragraph to the bottom I altered to take in to consideration the relocated sewer line as well as the site preparation work so depending on how you look at the parking garage, I mean the public contribution to the hotel and conference center is anywhere from 28.6 million to 33.25. Again, depending on where you consider that 4.65 million. You know, I want to talk...I have three points.

First of all, you mentioned ONB and a corporate partner. ONB is getting an ownership interest in this project for its contribution. The public is not so when ONB tells you that they have formed a partnership, if this hotel is profitable, they will see a return on their investment.

Assistant City Attorney Cirignano: I, you know, I'm not in a position to speak to what their deal is. I just know that given the structure of the deal, this would not be something that they would do if they did not believe it was for the benefit...for the best interest of Evansville.

Councilwoman Brinkerhoff-Riley: Yeah, I mean the translation there is that it's...they understand they will not see a return on their investment...

Assistant City Attorney Cirignano: I can't answer that.

Councilwoman Brinkerhoff-Riley:...because the hotel is...

Speaking Simultaneously

Assistant City Attorney Cirignano: I can't answer for them but my point is that I think you're making the point that they're getting a lot in return here and I don't think that's accurate.

Councilwoman Brinkerhoff-Riley: Well you can't have it both ways. I mean you can't...ah, you know, they've made an investment so...and that investment is structured at a 25% partnership agreement with HCW and although there's a 12% guarantee in profit to HCW on revenue that exceeds expenditures, if they hit those marks, they get a return on their investment so you don't get to call them sort of a selfless corporate citizen that's not expecting anything in return, and at the same time, trump the idea that this hotel is going to be profitable or...I mean you just can't have it both ways.

Assistant City Attorney Cirignano: I don't follow your argument. Regarding Old National Bank...

Councilwoman Brinkerhoff-Riley: You don't follow the argument that they're a partner? That they've made an investment? That if there's enough profit off of the hotel they'll get a return?

Assistant City Attorney Cirignano: There exists some possibility, yes, but...

Councilwoman Brinkerhoff-Riley: Okay.

Assistant City Attorney Cirignano:...you're way out there in terms of the realm of possibility I think.

Councilwoman Brinkerhoff-Riley: You're right and what that means is there not going to get a return on their investment because revenue will not exceed expenditure to trickle down to their partnership share, correct?

Assistant City Attorney Cirignano: I have no idea.

Councilwoman Brinkerhoff-Riley: Again. Okay, let's go to your article.

President Adams: Hold on a second. I'm not sure Old National Bank's going to take a loss on an investment.

Councilwoman Brinkerhoff-Riley: They are going to take a loss on the investment. They absolutely are but they...of their 10 million...I met with Old National Bank and they'll admit this. I mean they structured a name...

Councilwoman Robinson: *(Off Mic) (Inaudible)*

Councilwoman Brinkerhoff-Riley: Actually I met with Bob Jones and Bob Jones actually testified at the ERC that for three years, and you were there, that he had searched for an investor and could not find one.

Assistant City Attorney Cirignano: Correct.

Councilwoman Brinkerhoff-Riley: And so that Old National Bank...

Assistant City Attorney Cirignano: So you're making the point that they benefit on the upside but yet you know they're going to lose money so I don't know what point you're making.

Councilwoman Brinkerhoff-Riley: I'm pointing out you've made the same contradictory statement. You've talked about them as a corporate citizen, sort of never would we have another partner but they do have an ownership interest and if the project is profitable they will see a return on their investment.

If it's...but ultimately they signed a naming rights deal with the County that's worth about seven million so they're really only out three in terms of an investment, right?

Assistant City Attorney Cirignano: You know, when it comes to the...I'm not going to speak to real value of the naming rights. This is a long conversation maybe you could have someone from the bank.

Councilwoman Brinkerhoff-Riley: But they did sign an agreement, correct?

Assistant City Attorney Cirignano: To pay back the County for *(Inaudible)...*
Speaking Simultaneously

Councilwoman Brinkerhoff-Riley: If for some reason the hotel isn't built, they'll pay them money for those naming rights.

Assistant City Attorney Cirignano: That is correct, yes.

Councilwoman Brinkerhoff-Riley: Now you made comments in the Courier & Press. It's an article...July 9. You said, "In any project, you start out with the wish list. This is what we want. And then you go in and start finding out what all this stuff is going to cost and you have to start making adjustments.

I mean what you refer to as a wish list, I would characterize as promises. I mean the City stood before this body with a rendering and made promises. They sold the public a vision; a transformation of that block, for a capped public investment of 20 million dollars. Ten stories, curved glass, indoor pool. That's a wish list now?

Assistant City Attorney Cirignano: Okay first of all, at the time the City believed that that's what we could accomplish with the budget that we had. Whenever we found that out, found out that we couldn't. We came...we redid the deal, Second Amended and Restated Development Agreement. We brought that back here March 30, explained what we thought we could do, okay? We explained that that original rendering was not one that was feasible given our budget. So we came back here March 30, that's the deal that's before you today, it remains before you. We redid the design documents in order to try to work within the budget that we have, keeping in mind that there's an economic development goal here. The economic development goal being a certain number of rooms, a certain quality, full service hotel so that it would be appealing to convention goers and that's where we are today. We've achieved that goal and so while I may apologize for calling it a wish list, the reality is at the time that's what we thought we could do within that budget. It turned out that that was not feasible within the budget that we were given and therefore we had to make adjustments and so...

Councilwoman Brinkerhoff-Riley: The public subsidy, the public contribution to this adjusted dream has gone up. I mean you're take...the public is giving more for now a project that doesn't look anything like what we were promised.

Assistant City Attorney Cirignano: You know...

Councilwoman Brinkerhoff-Riley: I understand your frustration. I know it gets old to have to stand up here and justify more money for less. I get it but it doesn't change the fact that that's what we're doing.

Assistant City Attorney Cirignano: Look, there's nothing hidden. You know we sent you a red-line showing you every change that was in the document. There's no conspiracy here. The fact of the matter is that's what it costs and we feel really good about the project that we're going to be able to build down there for this money. It achieves the economic development goal that we want.

Speaking Simultaneously

Councilwoman Brinkerhoff-Riley: I have one more (*Inaudible*).

Councilman O'Daniel: Yeah.

Councilwoman Brinkerhoff-Riley: Just what waivers have been applied for on the DoubleTree plan?

Assistant City Attorney Cirignano: I don't...I don't know.

Councilwoman Brinkerhoff-Riley: Can you find out and come back?

Assistant City Attorney Cirignano: I will try to find that out.

Councilwoman Brinkerhoff-Riley: Last time there were three waivers applied for: one was the doorman was not going to be full 24/7. Other one had to do with the indoor pool and one bathroom instead of a separate men and women. I don't remember what the third one was but I'd like to know what waivers that the developer has sought in garnering a DoubleTree brand.

Assistant City Attorney Cirignano: Well, I'll do that.

Councilwoman Robinson: I have a question. I guess...or a statement to make. It seems like its almost unfair to other potential developers because we've changed the scope of the project without letting other people have an opportunity.

Assistant City Attorney Cirignano: You know, Connie if I...you know when went...started this process, you have to remember, this is the fourth go-round on this. First they tried Browning; that didn't work. Then we tried Woodruff; that didn't work. Then we tried Kunkle; that didn't work. When we tried to solicit request for proposal for this project, the market out there was not good. The market had been worn out with trying to deal with Evansville, the subsidy wasn't high enough we were told.

Councilwoman Robinson: But we didn't have a medical school coming at that time.

Assistant City Attorney Cirignano: That's true, that's true but, you know, subsidy wasn't high enough. You know, I think we had three or four people respond. This one was by far the best and I think it's, once again, I think it's speculation to assume that we're going to do better if we do this again. I think our credibility throughout the Mid-West and with people that can credibly put together a full-service hotel is pretty limited at this point. I think we've got a very good option here. It's not an option; it's a very good project. And you know what? We're going to be ready to close in a month.

Councilman Friend: Nick, can I...

President Adams: Let me just make a little comment if I could.

Councilman Friend: Yeah.

President Adams: You characterized this original budget as constrained. At the time it was not constrained. We had 13 million promised by private investors; not 10 but 13. And also we were going to put 20 in and the difference was going to be by HCW. We brought it down from 39 because if we didn't we wouldn't have enough funds in the TIF

to have a medical school. I begged the Mayor to wait four months until we found out where the medical school was going to go and he, for whatever reason, decided not to do that. The original budget was not constrained, sir. It was an ample way of doing a 10-story hotel.

What's evolved over the next two years is happened and I agree; we're about to open...we're supposed to dig dirt in the end of August and I think we should but I think this group of people did their job two and a half years ago or two years ago.

Councilman Friend: If I may say, Nick, I guess what the frustrations...and that's the reason why we went out and we got HCW. They supposedly should have known of what the budget was when they proposed the 10-story building. Now this is what really is incredible to me that we're sitting here today on that because originally they came in with 86 million on this project, okay? We were in 38.5; I remember it. The next thing you know they're down to 74 million dollars on the project and they were going to go up there and come up with 78 apartments part of that. That makes the big footprint; gives you good presence downtown.

Now they should have known if they funding going on. I guess my frustrations here is this: It's like I want you into my retail store, I want to try to sell you something then I find out I don't have the product, I try to sell you something different but yet the price goes up. There's where the frustrations lie in this whole deal. At least it does with me. I know, here we are today, is what it is.

Councilman McGinn: Mr. President, may I comment? May I comment?

President Adams: Is there any more comments?

Councilman McGinn: Yes, please.

President Adams: I apologize. Go ahead.

Councilman McGinn: You know we...I mean I don't know...I mean let's just cut right to the bone here. We know what we're going to get for a commitment of 20 million dollars of City money plus the other funds from the County. We know what we're going to get right now. We argue for days whether or not we wish we had this or he said/she said or it was 16.4 million or it was 20 million or it was 10 stories or it was 48. I don't care anymore. I know what we will get for 20 million dollars of City money. Its right here...it's right there. You can take a look at it. So we can argue about this for a couple years and in the meantime, delay collecting property taxes. We can delay collecting Food & Beverage Tax. We can delay collecting Innkeeper's Tax. We can delay having tourists and conventioners coming in here and spending millions of dollars. We can

delay having tournaments and conventions and parties and whatever in the hotel while we just sit here and let the people we hope will vote for us think we're just wonderful people because we're complaining and we're bitching about it.

We've got to decide do we want this hotel the way it is now and start moving off center, developing the downtown, developing economic incentives and opportunities for people, collecting tax dollars. And if we're going to do it, let's do it. Let's shut up, let's quite whining, let's let these people do their jobs, let's build the hotel, let's build the med center because we all believe, or we never would have voted for either of these projects in the first place, that it will drive economic development. I believe that.

Applause

Councilman O'Daniel: But Councilman...

Councilman McGinn: I want to start collecting the funds now.

Councilman O'Daniel: The question.

Councilwoman Mosby: I agree.

Councilman O'Daniel: The question for you though...

Councilman McGinn: Certainly.

Councilman O'Daniel:...is

Councilman O'Daniel:...when we agree...

President Adams: Folks...folks.

Councilman O'Daniel: When we agreed nearly two years ago do you believe that the agreement presented today is the same one that we agreed to two years ago?

Councilman McGinn: Conor, I'll answer that as honestly as I can. I never had a conversation with anybody on this Council or anybody in the Mayor's Office that was other than 20 million dollars of City money. I never in my life heard \$16,400,000 until two months ago.

Councilman O'Daniel: How did you expect the CVB to pay for their two million dollar share?

Councilman McGinn: That was the question that was left unanswered here. The Mayor was asked, "How are they going to pay that?" And he kept saying something like, "That's up to them; we'll figure it out", you know, they could float a bond. It was never answered. That was their problem to figure out how to pay it.

Councilman O'Daniel: We were going to front the money and they were going to pay that back into the TIF. That's how that was going to be funded. That's why the total amount was 20 million. The County was...was and is stretched very thin on their budgets and they didn't have it at the time because, if you remember, the Centre had not been refinanced yet.

Councilman McGinn: You're telling me what I remember.

Councilman O'Daniel: But I understand...

Councilman McGinn: I remember that I committed 20 million dollars of City money rather than 37.

Councilman O'Daniel: That's right.

Councilman McGinn: Twenty million dollars of City money and I believed from the bottom of my heart then and I believe it now, that's in addition to 3.6 million dollars from the County and Convention Bureau.

President Adams: Actually Dan, we're not delaying. We don't have any vote on this thing; it's going.

Councilman McGinn: Why are we doing this then?

President Adams: We're not delaying. We're just trying to...

Councilman McGinn: Why are we doing this? I want to know why we're doing this.

President Adams: Because we want to find out the detail so our constituents will know 'em.

Councilman Weaver: We need to stop micromanaging.

Councilman McGinn: That right there. That's what we get right there.

Multiple Speakers: *(Speaking Simultaneously)*

President Adams: We're not stopping any shovel being stuck in the dirt. We just want some *(Inaudible)*.

Speaking Simultaneously

Councilman McGinn: I fear there's going to be a vote to pull the bond. Is there? Is someone talking about that? I've seen emails that deal with it.

President Adams: Well, they are talking about it and I can remember this young lady...

Councilman McGinn: We shouldn't.

President Adams:...coming back to us when we were committed to 17 plus what the County was putting in and wanted to get more money out of the County and we decided we'd already...the Mayor had done what we asked. He had taken it down from 44% down to 25% and that was the good deal.

Councilman McGinn: I agree it's a good deal.

President Adams: Okay.

Councilman McGinn: But again, I don't...I mean...

President Adams: We have a couple...

Councilman McGinn: I'm not going to argue with you.

President Adams: No, I'm out.

Councilman McGinn: I can just tell you what I believed I was voting on...what I believed I was voting on so there isn't total consensus of whether it was 20 million dollars or 16.4.

President Adams: We have two people that wanted to...

Councilman O'Daniel: Sure.

President Adams:...make some comments.

Assistant City Attorney Cirignano: And I just want to say, I mean you all know where I work and have my email. I mean feel free to call or...

President Adams: Yeah.

Assistant City Attorney Cirignano:...or email anytime.

President Adams: Mr. Drew Nulton. Sir, would you give us your full name and address please.

Drew Nulton: Absolutely. My name is Drew Nulton and I live at 7488 Old Boonville Highway.

President Adams: Great.

Drew Nulton: Awesome. A Google search on Hilton Development brings up a site that indicates the cost of a 250-room DoubleTree is between 35.5 million and 59 million, excluding land. The average is between \$142,000 to \$236,000 per room, according to the site differences. According to the site the differences are geographical, market location and types of construction. Why is that we are paying \$217,000 per room, the high side of the established cost per room? This hotel is suburban and not urban, thus the median cost of a DoubleTree per room is \$189,000. Why are we paying 6.7 million as a premium or 15%?

President Adams: Anybody want to take that on?

Assistant City Attorney Cirignano: This is, once again, I don't mean to defer completely but this is sort of a Sarah Schuler question. But whenever costs of averages get brought on this, and I have to admit I was playing really close attention to your numbers there to check you math or anything, but as Sarah says, you know, averages means that some buildings are more expensive than others. Evansville is in a seismic zone that the average hotel would not have to address, and furthermore, you know we sought to insure that construction workers on this project received a living wage and there's a PLA in place so all those things kind of go into the mix of construction costs.

Councilman Friend: Nick...

Assistant City Attorney Cirignano: Sarah could...

Councilman Friend: Yeah Nick, if I recall though I think when you go five stories and down that seismic requirement falls off.

Assistant City Attorney Cirignano: That...

Councilman Friend: That's the point I'm trying to make here so that's out.

Speaking Simultaneously

Assistant City Attorney Cirignano: That was, right, and that's part of the point of having to do that...

Speaking Simultaneously

Councilman Friend: That's how construction engineers tell me that around here.

Assistant City Attorney Cirignano: Yeah, and that's why...no that's why we had to expand the footprint and get rid of the apartments so...but Sarah can speak to that. I honestly am not an expert in the average room cost.

Councilman O'Daniel: Probably help though.

President Adams: But she'll be back in two weeks?

Assistant City Attorney Cirignano: She'll be back this week if you guys...when's your...whenever your next meeting is...

President Adams: I was going to suggest to Council that if they had questions after they've absorbed this that we were given tonight, we might ask Sarah to come back in two weeks.

Assistant City Attorney Cirignano: Yeah.

Drew Nulton: One more question.

President Adams: Sure.

Drew Nulton: This is in regards to the downtown development. According to Page 2 of the original development agreement between the City and HCW, Item #10, the language clearly says which TIF bonds will be issued, along with other funds, will generate 20 million for public funding of the public project. Why did the Mayor dispute this with Councilman O'Daniel, challenging him to produce something in which...in writing demonstrating that the public funding was capped at 20 million when the language in the agreement clearly states the limitation?

President Adams: I can't speak for the Mayor.

Assistant City Attorney Cirignano: *(Off Mic)* I'm sorry, what section were you talking about?

President Adams: Nick, you got to listen here. You got to stay in the ballgame.

Assistant City Attorney Cirignano: He's reading fast.

President Adams: Yeah, I know.

Assistant City Attorney Cirignano: I'm sorry.

Drew Nulton: I apologize.

Assistant City Attorney Cirignano: Sorry, what section are you looking at?

Drew Nulton: Item #10.

Assistant City Attorney Cirignano: Oh, it's a recital...okay. Okay, this is fun, isn't it? Page 2, Item #10. Okay, you know this...I don't know how to answer that question. It's a recital in the document which sets forth...I mean this carried through from the beginning of the agreement and at that time we said the TIF bonds and other sources because at that time this language dated back to the very beginning. We weren't sure what all our sources were. I don't know the context of the argument between...or the disagreement between Conor and the Mayor but, you know, it's just part of the document that says, "TIF bonds along with other sources", and we said, "along with other funds", because we didn't know what all our sources might be. I mean it's just a recital and I'm sorry; I don't mean to belittle your question but it's just a recital in the agreement.

Drew Nulton: Thank you.

President Adams: You're welcome, sir. Rita Brown?

Councilwoman Robinson: Nick, let me ask you a question and I'm not sure...

President Adams: Well wait a minute. Let...Rita's on her way up here and then you can hit the bathroom. Hi.

Rita Brown: Hello. Rita Brown, 1301 Delaware Street.

President Adams: Welcome.

Rita Brown: Thank you. This is also concerning downtown and if you would refer to the development agreement, Page 9. Under the section titled Maximum City Contribution, which states, "Shall mean 20 million dollars, representing the maximum amount of the public funding toward this project". Why is it now 28.5 million?

Assistant City Attorney Cirignano: Sure, there are a couple answers to that. One, we have a med school now so there's an additional five million dollars coming from the med school bonds for the expansion of the garage to accommodate that. And then the other component is we decide...we determined that we needed to spend the County money on the project. Previously it hadn't been budgeted, at least in our minds. I guess maybe there's some disagreement about that but the City money is 20 million dollars; County money is 3.6 and then there's 5...well 4.65 million coming the med school

bonding for the expansion of the parking garage so that's how we get to that number where we are today.

Councilman O'Daniel: And just to clarify one other thing and I don't want to belabor the point but it's also when you look at the definition of public funding, originally, and how that changed in the red-line between the first development agreement and the second development agreement. It read really funny because the intention, I believe, was that the County and the CVB money would be fronted by the City as part of the total 20 million dollars. We would put up the bond. They repay into...they would repay us over 10 years to...so we could recapture that investment so that's part of the reason on that.

Rita Brown: *(Off Mic)* I do have another question but not about the hotel.

Assistant City Attorney Cirignano: Connie...

Councilwoman Robinson: No, I'm tired of it.

Assistant City Attorney Cirignano: C'mon. C'mon Connie.

Laughter

Councilwoman Robinson: You know, I guess I was saying prevailing wages in Indiana is not legal anymore. How do you guarantee that with your PLA?

Assistant City Attorney Cirignano: Well we have a PLA so that's a negotiated document between the general contractor and the local unions and so I would sure hope that the local unions are doing their job in representing their constituency in negotiating a good living wage for them.

Councilwoman Robinson: Then I noticed something else and I don't have the document in front of me and maybe you do. It was concerning minority and women-owned companies and it was a line in there that I was uncomfortable with because I don't see that you have a true commitment to it.

Assistant City Attorney Cirignano: Yeah, this language is similar to the language there...in fact we...I copied it verbatim I believe with what we had with the Ford Center and a...

Councilwoman Robinson: No, because I think...I think the line there...I wish I had it with me. I don't know who has it but it gives HCW an out.

Assistant City Attorney Cirignano: Um, you know it's...

Councilwoman Robinson: You know it doesn't get...it's more concrete with the PLA but as far as women and minority-owned businesses...

Assistant City Attorney Cirignano: Right, and...

Councilwoman Robinson:...it gives HCW an out.

Assistant City Attorney Cirignano: And I think our ordinances is a...are targets and we adopted the language from the Ford Center agreement and so far, as far as, you know, I know, HCW's contract with Talmadge Vic, I believe, to assist with that process.

Councilwoman Robinson: No, he does not have contract with HCW to my knowledge.

Assistant City Attorney Cirignano: Oh, it was...you're right. It was with...

Councilman O'Daniel: *(Off Mic)* Killian.

Assistant City Attorney Cirignano: Killian, that's right. And so...

Councilwoman Robinson: And the 20...then I've had minority and woman-owned companies tell me that they've been informed that the participation only occurs with the garage. They're not there...you don't have a participation goal with the hotel but only with the garage.

Councilman O'Daniel: That's only in the public investment, isn't it?

Councilwoman Robinson: Yeah, so the private...

Councilman O'Daniel: Well...

Councilwoman Robinson:...so HCW is not committed privately.

Assistant City Attorney Cirignano: I'm not sure that's the intent. Let me...can I follow up on that and get back with you?

Councilwoman Robinson: Yeah, so you have all these women-owned and minority-owned companies that think they're going to get a piece of the deal and all they're going to get is a piece of a garage, not a piece of the hotel.

Assistant City Attorney Cirignano: Right. I don't know that that's the case. I'll check into that for you.

Councilwoman Robinson: They are taxpayers.

Assistant City Attorney Cirignano: Yeah, I'll check into that for you. I don't know if that's the case. Second of all, I would point out that...

Councilwoman Robinson: I think Mr. Schaefer probably can tell you because I think they met with the...met at the Mayor's office and he told 'em it would be the garage because that's the public funding and the hotel is private funding.

Chief of Staff Schaefer: Steve Schaefer, Chief of Staff for the Mayor. I'll check on that for you. I do know that the Mayor did have a meeting last week with Talmadge. He organized a group that met with him because this was the topic of their discussion so I don't know the results of it. I just do remember back...let me check the...

Councilwoman Robinson: Because I mean if we're giving HCW, if we're helping them as a private company and they're not committed to equal opportunity with minorities and women-owned companies you know I think that's just horrible.

Chief of Staff Schaefer: Well think that as the Mayor probably has committed before, he would agree with you that it's important and he made the commitment, just as he did with the unions that he would make sure that that participation was there so I'll follow up and we'll get back to you. I'll have the Mayor reach out to you personally because I think it is an important question.

President Adams: Why do you reach out to all of us?

Chief of Staff Schaefer: Do what?

President Adams: Why do you reach out to all of us because I think we're all concerned?

Chief of Staff Schaefer: About what? What specific...

President Adams: Women...work.

Chief of Staff Schaefer: Oh, okay. Sure. You want him to do it by email?

President Adams: Sure.

Chief of Staff Schaefer: Okay, will do.

President Adams: Yeah, if that's not happy with you.

Councilwoman Robinson: *(Off Mic)* Yeah, I'm fine with that.

Assistant City Attorney Cirignano: And Connie, I'm looking at the language and it does say hotel and ancillary construction components so it should be the whole project.

Councilwoman Robinson: *(Off Mic)* Thank you.

President Adams: Thank you. Okay, any other comments?

Councilwoman Mosby: Yes. I'm sorry. I've been trying to speak for a long time and haven't...

President Adams: I apologize.

Councilwoman Mosby:...been able to. I just want to say I concur with Councilman McGinn. It, you know, back when we started all this I remember signs that said, "We can do both". Well, you know what? Now we have a great opportunity to get this going and do both. I know that the unions are very happy and would love to have both these projects going, along with other people in the community. It's going to bring jobs, it's going to bring property tax revenue and, you know, I actually looked at the blue prints. I went to the ERC meeting. Kelley Coures has them available at DMD. It is a very nice hotel and I'm...I'm ready to see it happen.

President Adams: I will make a comment. The reason we can do both is because this group went to the mat saying you can't do it at the price you started at.

Councilwoman Mosby: *(Off Mic)* I understand.

President Adams: I know you do.

Councilwoman Mosby: *(Off Mic)* That's why we do it. *(Inaudible)*.

President Adams: Okay. Anybody else want to talk about this?

Unidentified Speaker: *(Off Mic)* Yes.

President Adams: Do you want to talk about this particular subject?

Unidentified Speaker: *(Off Mic)* This particular subject.

President Adams: Go for it.

Unidentified Speaker: *(Off Mic)* This will be very short *(Inaudible)*.

President Adams: Miraculous.

Randy Jones: Randy Jones, 915 Oak Hill Road. I went through seven meetings where the Mayor had I saw this beautiful hotel complex and all that. And the reason this came up to me because I'm getting, and this is a little off subject, but I'm getting an air conditioning unit put in my house. I'm getting agreements on what I want put in there. If that guy comes up to me and says, "Well you know, I'm just going to put a one-ton but you're going to pay the same amount of money", I'm getting ripped off.

HCW was told...we were told they build hotels all over the United States. They know what they're doing. Shouldn't they have known how much this project was before it started? Shouldn't they have had this agreement before hand? And when you voted, you voted on this hotel project. You voted on this power. You vote...you didn't vote on this thing we're getting now: Outside pools, window air conditioners. We're not even guar...we're not even...we're not even guaranteed it's going to be a DoubleTree. It might be a DoubleTree but we're not even guaranteed that yet because they haven't agreed to that yet.

Councilwoman Mosby: I have to correct you on something. I saw the blueprints. There are no window air conditioners and that is completely false and ridiculous.

Randy Jones: Well we're getting the tire and everything so you...you want to argue? Okay.

President Adams: It's not a...

Randy Jones: I'm mistaken.

Councilwoman Mosby: I just want it to be factual.

Randy Jones: I'm sorry. I made a mistake. I was told differently.

Councilwoman Mosby: I'm being factual. He has...Kelley has the blueprints. You can go to his office at any point in time and see them. I've looked at them. I took the time.

Speaking Simultaneously

Randy Jones: Well we're not getting what we were promised at 20 million dollars, correct?

Councilman O'Daniel: Well they're called VTACs (*Vertical Terminal Air Conditioning*). They're called VTACs, not central air.

Speaking Simultaneously

Randy Jones: We're not getting what we got for 20 million, right? Huh?

Councilman O'Daniel: They're called VTACs instead of central air.

Randy Jones: VTACs?

Councilwoman Brinkerhoff-Riley: They are by room. You are...I mean it's not a central air conditioner system; it is a room unit, although it'd be tucked away in a little closet. The issue is that it won't have a central...

Randy Jones: It won't have a central.

Councilwoman Brinkerhoff-Riley:...HVAC and it will vent through the outdoors.

Speaking Simultaneously

Randy Jones: I've stayed at a DoubleTree. I can't DoubleTree a giving this, but they may. I'm just saying. But we're not even guaranteed that yet. We were sold a bill of goods and we're getting a lot less than what we were sold and if I was...if it was my home, HCW would have been fired the first time that they said, "Well you know, we can't do that. We...oh we promised it". They would have been fired that day. If that guy comes in with an air conditioning unit that's not what I ask for he'll be fired that day; he will not be putting that unit in. But of course, it's not taxpayer money. I don't have unlimited funds. Thank you.

President Adams: Thank you.

Councilwoman Robinson: Well I guess Randy, in reference to that I'd to make...it's like Kelley, I don't think if I was to apply HOME money and I asked you for a grant to build three houses, you give me the grant and then I decide I want to build three dog houses.

Chief of Staff Schaefer: (*Off Mic*) Oh come on.

DMD Executive Director Coures: (*Off Mic*) That wouldn't be a (*Inaudible*) partnership funds.

Councilwoman Robinson: Yeah, so I don't build three hou...instead of three houses, I build three dog houses.

Assistant City Attorney Cirignano: I think we all get your point but I don't think...we're not building a dog house here.

Councilwoman Robinson: *(Off Mic)* No but I mean...*(Mic On)* the project has just changed so, you know from an indoor swimming pool to outdoor swimming pool; from a rooftop restaurant...

Chief of Staff Schaefer: Yeah, it has.

Councilwoman Robinson: It's just the product...the project has changed.

Chief of Staff Schaefer: And as you may recall, the project, the original project that we had, there was an announcement. The Mayor was there, Bob Jones was there; that deal was dead...that deal was dead. But then...

President Adams: That took a couple...

Chief of Staff Schaefer: Excuse me.

President Adams:...a couple years, didn't it?

Chief of Staff Schaefer: It took a couple years?

President Adams: For us to hear that.

Councilman O'Daniel: *(Off Mic)* Hear that. *(Inaudible)*

Chief of Staff Schaefer: You heard it with everybody else.

President Adams: No, no.

Chief of Staff Schaefer: That the deal was dead?

Councilman O'Daniel: *(Off Mic)* December. *(Inaudible)*

President Adams: The deal was dead...the deal was dead when you guys realized that the...how much the Centre's worth was less than they thought it was and that was about two years after the original thing. We heard the deal was dead then, not before that. How long ago was that?

Chief of Staff Schaefer: Wait...what?

Councilman O'Daniel: *(Off Mic)* It was December when the deal was dead. We voted on...

Chief of Staff Schaefer: Yeah.

Councilman O'Daniel:...this in what, September of '13 *(Inaudible)*?

Chief of Staff Schaefer: Yeah, because the bids came back and the numbers and it didn't fit the budget. But what I'm saying is the original design was not going to move forward; that deal was dead. There was then a period of time in negotiations. The Mayor came in March and presented the new proposal in front of this body. There were public meetings so I mean there's two different projects here. There was the original and then there was the new project that was presented here by the Mayor in March so I'm not really sure because all of you were given the revised development agreement with all of these changes so why the questions now?

Councilwoman Brinkerhoff-Riley: It's not now. These are the...frankly, these are the...some of the same questions that we asked back then it's just.

Speaking Simultaneously

Chief of Staff Schaefer: Exactly and I actually looked at the minutes from the March meeting and the Mayor...

Speaking Simultaneously

Councilwoman Brinkerhoff-Riley: It's just not a satisfactory response.

Chief of Staff Schaefer: The Mayor explained a lot of these answers when he was here.

Councilman O'Daniel: *(Off Mic)* He said we'd have to wait until everything came through, right? *(Inaudible)*

Chief of Staff Schaefer: What do you mean?

Councilman O'Daniel: *(Off Mic)* Until we got the blueprints; until we got the bids. There were a lot of unanswered questions *(Inaudible)*.

President Adams: We had to wait until the things are going to State before we could actually see the plans.

Chief of Staff Schaefer: The Mayor and the Administration...

Speaking Simultaneously

Councilwoman Brinkerhoff-Riley: Yeah, and there wasn't a drawing.

Chief of Staff Schaefer:...saw the blueprints like a day before you did.

Councilwoman Brinkerhoff-Riley: Well, if you remember correctly, when he appeared...

Chief of Staff Schaefer: In March.

Councilwoman Brinkerhoff-Riley:....there was no drawing...

Chief of Staff Schaefer: Yes.

Councilwoman Brinkerhoff-Riley:....at that time and President Adams asked that he and Councilman O'Daniel be involved in the process going forward.

Chief of Staff Schaefer: Yes.

Councilwoman Brinkerhoff-Riley: And that didn't happen and so when the rendering came out and the things had changed so much I think there's a...

Chief of Staff Schaefer: I believe you're incorrect.

Councilwoman Brinkerhoff-Riley: I don't even know. It's an undercurrent. I mean there's just a...

Chief of Staff Schaefer: I believe you're incorrect on that.

Assistant City Attorney Cirignano: And the rendering is consistent with the document. I mean it's consistent with what we negotiated and presented to Council on March 30th. I mean you can't say that that's not what's presented in the document because that's what I think you just said.

Councilwoman Brinkerhoff-Riley: In terms of a five-story structure?

Assistant City Attorney Cirignano: Yes.

Councilwoman Brinkerhoff-Riley: Well I think there's a bit...well look, I mean the image is everything, right? I mean you sold us the bond on an image and then you presented a new image that's distinctly different.

Assistant City Attorney Cirignano: Okay, well the agreement specified what it would look like. I mean that's how we had to try to get within budget, okay?

Councilwoman Brinkerhoff-Riley: And actually, you never have us the development agreement. We actually were given that by an ERC member, I believe after the fact. It wasn't until you appeared thereafter...

Assistant City Attorney Cirignano: On March 30th?

Councilwoman Brinkerhoff-Riley:...that we actually went through it line by line but...

Assistant City Attorney Cirignano: I mean it got negotiated. When I...it got negotiated right up until we presented it. I mean there was a lot that went into it and so it's not as though...I mean the implication there and what you just said is that we negotiated some agreement and didn't present it in a timely fashion. The day...my date stamp on that in computer system is we...I was finalizing language on that up until it was presented publically so I sent...we sent a cumulative red-line showing all the changes so that way, although this was a new deal, you didn't have to go through line by line and try to figure out how it had changed. So we presented that in as clear a fashion as I know how to do, and furthermore, those renderings there are representative of what that agreement says and any assertion to the contrary is just wrong.

Councilman O'Daniel: Okay, so you...so we voted on the first project or fourth project, depending on how you view it, right? The ten-story; we voted on that to allocate the 20 million. That deal's done; new development agreement comes forth. We've not voted on that. There's never been a vote by this body on that deal at all, correct?

Assistant City Attorney Cirignano: You...

Councilman O'Daniel: We've never had a vote on it.

Assistant City Attorney Cirignano: The language on the ordinance allocated 20 million dollars toward a hotel project.

Councilman O'Daniel: Yeah, but not that hotel because that deal is dead. So now we have a new project...

Assistant City Attorney Cirignano: That deal was amended.

Unidentified Speaker: *(Off Mic)* Bait and switch *(Inaudible)*.

Unidentified Speaker II: *(Off Mic)* Yeah!

Assistant City Attorney Cirignano: Anyway, I will be available for questions. Sarah can be available at the next meeting.

President Adams: When she comes back from California.

Assistant City Attorney Cirignano: When she comes back from California,...

President Adams: Yeah.

Assistant City Attorney Cirignano:...which is this week so.

President Adams: Okay, well please...Council, please let me know if you want...

Councilwoman Robinson: Thanks Nick.

President Adams:...if you want Sarah to come join us...couple weeks or two or three weeks from now.

Councilman O'Daniel: *(Off Mic)* I think she should come.

President Adams: Okay. Alright, we've discussed that. We're now going to open up the Pandora's Box and talk a little bit about the fireworks. We have a couple of people that want to talk on that. Let me say out the outset, this body really tried very, very hard last year to push the State legislature that controls the fireworks regulations to get them to give us Home Rule on this situation. We also asked them to take the nine days and try to get it down to three or four. I think it went to the committee up in State legislature but didn't go any further.

I asked members of Council if they wanted to talk about fireworks again because we all got lots of calls about the length and the intensity of the fireworks and how people were upset about it. I personally would love, even though our resolution did fall on...well it fell on deaf ears last year. I would love to send another resolution to the State legislature, perhaps even the same verbiage saying, you know, Try II, and see if we can get it out of committee, but having said that, I will entertain any comments that people would like to talk...yes, please.

Councilwoman Mosby: I just...I went to a couple fireworks stores just to...just to nose around and, you know, see what's going on. And when I asked questions about, you know, when can I shoot these off, what's the ordinance? Everywhere I went no one seemed to know and you know I think it should also be that the people selling the fireworks, they should either have to have the ordinance posted or some type of reference so that people know. I mean...you know, some of these people may not know and...

Councilman O'Daniel: But people don't...no...go ahead...

Councilwoman Mosby: Pardon me?

President Adams: Is that come in our...

Councilman O'Daniel: But people aren't going to listen anyway. That's the problem.

Councilwoman Mosby: Well I get that...but I get that but you know, at least it would be posted. People would know. The workers should be aware of what that ordinance is.

President Adams: I think that's a great idea. I'm not sure we even have the ability to do that.

Councilwoman Mosby: Or even ask the State; ask the State if they could look at that.

Council Attorney Danks: I think that's a wonderful idea. I absolutely agree that it should be required. Whether this body can require that; I don't know whether that's preempted by State statute or not...

Councilwoman Mosby: Sure.

Council Attorney Danks:...but I'll look into it.

Councilwoman Mosby: Thank you.

President Adams: I mean I think we're frustrated how shackled we are...

Councilwoman Mosby: I know.

President Adams:...about addressing a problem that people really are angry about.

Council Attorney Danks: But I do think there's a lot of confusion because we have a State law and then the County...the State does it one way, the County does it a different way and then the City of Evansville does it their way and I seriously doubt that many people out there are actually educated as to what the local, municipal law is on fireworks. But I'll research that and report back.

President Adams: If we're more liberal than the State statute, we sure ought to comply with the State statute if it's more restrictive.

Council Attorney Danks: No, we're not. We're much more restrictive.

Councilwoman Brinkerhoff-Riley: No, we're more liberal than the State statute. We go to 11:30. The State statute requires two hours after sunset so arguably 10:15ish, at least the police would have a basis to stop people. The current ordinance says 11:30. We also allow fireworks Labor Day, Memorial Day, Veteran's Day, and the day before. That's not required by the State statute. We have to do the 10 days; we have to start at

5:00 p.m. on June 29th through July 9th, except for July 4th, which apparently people can start at 10:00 a.m., and then it's two hours after sunset and I had a couple ladies that contacted me. One is 78 years old; she couldn't be here, Elaine Kuhn. And I think we all got contacted by Teresa Roy, who was not able to come here, and they talked about the late-night issues more and more and also, that State statute is not particularly new but yet fireworks have changed and so like the night that I sort of angrily said, "We've got to change this", and it was 11:00...I mean it was 10:30, you know, and they'd light cannons. I mean what they're selling as consumer fireworks are so much more. I mean they...it is... I don't what it's like to live under the war zone. I'm not going to pretend like 10 days of nightly fireworks is a war zone but it is...it is bad. It is bad for people with pets that are sensitive. I have small children that, you know, it's 10:00 on a Wednesday night and they're going off. I think that we could amend our ordinance to be more restrictive and I think we should consider it. I understand a certain number of people will not pay attention at all and they will still be shooting them off at 2:00 a.m. but if we coupled, you know, the two hours after sunset with an obligation that it be posted where people purchase it, that might help.

Councilman O'Daniel: But we also have a situation and I mean look, our police officers are busy enough dealing with other crime. I mean there are no ordinance violations being written for any of these. I mean it's just...it's nonexistent so, you know, we could sit there and feel good about ourselves and file a more restrictive time frame but the people who are shooting these off at 2:00 in the morning, they don't care.

Councilwoman Brinkerhoff-Riley: Yeah, so let's do it because it won't matter anyway but at least some of us will feel better.

Council Attorney Danks: Well if I may, our ordinance is much more restrictive than the State statute in the sense that, by State law, you can ignite fireworks 365 days a year until 11:00 p.m. except for on holidays and then you can do it until midnight and the State identifies 13 or 14 holidays but the State also says that Sundays are holidays so you have over 60 holidays you can ignite 'em until midnight. So what the City Council did is the statute allows us to be more restrictive throughout the year with the exception of these 10 days that Councilwoman Brinkerhoff-Riley spoke about. And it says that the Council cannot be any more or less restrictive than what the statute allows and the statute does indicate during those...between July 29th...or June 29th and July 9th, it's 5:00 p.m. until two hours after sunset, except for July 4th, it extends til midnight.

And I don't know, I wasn't here but I think that what the City Council did is in an attempt to comply with the statute and to mirror the statute, they estimated that two hours after sunset would be 11:30 p.m. so the statute says from 5:00 to 11:30 p.m. but it also lets the public know, and more particularly, law enforcement, what two hours after sunset is because it literally changes just about every day, the actual time of sunset.

And so I think that...and there might have been some confusion between sunset and darkness. Most people don't start lighting these things off until it gets dark and maybe there's a thought that maybe they should have a couple hours to ignite 'em. But I do think that we could tweak roughly ten days so that it reads like the State statute: Two hours after sunset, but frankly I don't think anybody's going to know what that means, and you're going to ask law enforcement to somehow check the sunset tables, and the people that are lighting these things off so...but I do...what I do think that we could safely do, and I don't think that this would be preempted by statute, is we could word it that way, that it's for two hours after sunset but in no case after 10:30 p.m. because I did check the sunset tables and they're never past 8:20 p.m. so if we say 8:30, two hours past 8:30 is 10:30 so we can say two hours after sunset but in no event past 10:30 p.m. I think that's consistent with the statute and that will...but again, I think the bigger problem is to keep in mind, Councilmembers, that'll give people about one hour to go...if they want to wait til it's dark, you're going to give 'em about one hour to take care of their business lighting these things off. I think the bigger problem is what the other Council...the Councilmembers had indicated, it's the size of the...they truly are like cannons and I know they get complaints all the time that they feel like they're in a war zone. Windows are vibrating, that kind of thing, and I experienced it myself and it truly is a problem; the type of fireworks that are permitted probably more so than the times.

But anyway, we can restrict those ten days but otherwise, generally speaking, our ordinance is much, much more restrictive than State statute. Our ordinance also adds a couple holidays that were not required to do but we do Memorial Day and Veteran's Day and I think the majority of the Councilors would like to keep that...Councilmembers would like to keep those dates in there.

President Adams: Are you sure of that?

Council Attorney Danks: But we can shave off possibly one hour during 10 days out of the year.

President Adams: I would ask the Council to go to their hearts and figure out whether we really do want to have it Memorial Day and Veteran's Day. I mean I think we're coming to the point where we're being abused by this.

Unidentified Speaker: *(Off Mic)* Can any of us speak in the audience please?

President Adams: I'm sorry?

Unidentified Speaker: *(Off Mic)* Can any of us in the audience speak to this? What we experience in our neighborhood.

Council Attorney Danks: He's going to open that up in a moment. Also, I left out New Years, New Year's Eve they're allowed to do it by statute.

President Adams: Sure. Why don't we...why don't we take the comments because it is getting late, if you don't mind. Stan Wheeler was first.

Stan Wheeler: Stan Wheeler, 3800 Keck Avenue.

I've got a little dog that if you shoot a firecracker, my dog goes crazy. My paint's gone off my back door; the gasket's chewed out of the back door because people don't abide by the law. There's no need to have any kind of fireworks law in this town, in this state, because nobody enforces it. If you would at least enforce it then maybe some people would think twice about doing it.

I don't go down to the river to watch the fireworks anymore. I've got a guy that lives a block from me on the next street over and he puts on a better fireworks demonstration than what's on down at the riverfront...

President Adams: Wow.

Stan Wheeler:...and I literally have to wrap my dog in a towel and give it Benadryl on the nights that he shoots it and I don't know when he's going to do this and I can go to sleep at night and all of a sudden, the fireworks goes off and my dog's out of the garage and scratching on my backdoor trying to get in the house because she's scared to death. I know Randy, he's a vet, and thank him for his service and he likes fireworks but there are a lot of vets that don't like fireworks that are in the same boat and they just soon not have 'em either because they're gun shy. But you know, it's...if you're going to write all these laws and stuff, that's fine, but you've got to enforce it if you're going to put 'em on the books. If you're not going to enforce 'em, if we got State laws, I don't know that any State police has written a ticket for fireworks violations. I don't know that the Sheriff has and I don't know that City police have. Maybe you can tell us, has anybody ever wrote a citation for fireworks violation?

Unidentified Speaker: *(Off Mic)* Not that I know of.

Stan Wheeler: I don't know of anybody that's ever said that they've got a ticket so if you're going to right a law, why write it if nobody is going to enforce it? It's a waste of paper. Thank you.

President Adams: Thank you. Robin Church? Thank you for being so patient. I'm sorry to keep you here so long.

Robin Church: *(Off Mic)* This was so entertaining. I have never been to a City Council meeting and...

Laughter

President Adams: State your name and...

Robin Church:....*(On Mic)* reality TV.

President Adams: State you name please and your...

Speaking Simultaneously

Robin Church: Evansville, Indiana; my name is Robin Church. I live at 2054 Vogel Road.

President Adams: Thank you.

Robin Church: And thank you for everything you guys do. This is quite a job. I had no idea. The paper doesn't do it justice.

Anyway, after living in...can I read this because I'm not really good at extemporaneous speaking. After living in the Historic Preservation District from '98 to 2006 and then in the Haynie's Corner Arts District until I moved to a quiet eastside neighborhood in March of this year, I looked forward to a somewhat calmer Fourth of July celebration. After years of enduring all the traffic, people and noise, the amazing and wonderful downtown fireworks display brings. Imagine my shock and surprise when the peaceful area around my home turned into a veritable war zone for ten days, and I'm not kidding. Then imagine the further shock and surprise when I finally called 911 late on the evening of Sunday the 5th and was told by the dispatcher there was nothing they could do about the almost non-stop fireworks, so loud they were rattling my windows. The sparks and debris we landing on my roof and the air was so thick with smoke it was burning my eyes and lungs because, "It's all perfectly legal between July...or June 29th and July 9th until 11:30 at night, and if the police come out and stop them they'll just start up again after they leave".

When I spoke to Councilman Adams, he told me he had tried to get this policy changed last year but it didn't even get out state-level committee. Then I read in the Courier this morning, which now that Scott Danks has told me that's not true, that there's an expanded policy, that we were much more liberal than the State so that's going to come...kind a come off of that. We are not more liberal than the State I guess but, however, we still, according to the article in the paper, there's a total of 17 nights of inescapable sensory pollution in Evansville, Indiana. And there truly is no escape. I couldn't be outside in my yard because of smoke from the fireworks, only a few of my neighbors were setting off, not only caused my eyes and lungs to burn, they also caused fine particle pollution to reach almost four times the national clean air standard on July

4th and 5th, according to the Indiana Department of Environmental Management. What a true lung and health problem for anyone, not just all of us with preexisting conditions. And forget going inside for peace and quiet, much less any sleep when your windows are constantly rattling. When I asked Dr. Adams about our local noise pollution ordinance, he said that was only for continual noise not intermittent noise. I wouldn't call almost non-stop fireworks from noon on the 4th until after midnight on the 5th intermittent as well as on every other permissible night from at least 9:00 to almost midnight.

The irony here is that for those who have fought to keep our country free and safe and developed post-traumatic stress disorder as a result, this time of the year is pure torture. And for many of our pets, it's a nightmare as well.

My question is why isn't each municipality in Indiana able to decide for themselves about the fireworks issue and why did Evansville decide to expand, which that's a moot point so I won't go on to that. We didn't expand.

I have to ask myself who else would enjoy this time of year other than the fireworks industry who are making tons of money at the expense of Hoosier's mental and physical health.

I ask Evansville's County Council, City Council, Common Council to do something to protect us from being held hostage by fireworks mania. It's not nearly enough to comply with the State two hours after sundown curfew. There is no reason, especially in a city with a wonderful, free fireworks display, to allow severe noise and air pollution for more than a couple of days. Please take this issue back to Indianapolis so we're not held hostage anymore.

That's all I have to say. And again, I mean it's not just what you said, it's not just the hours, it's the quality, the intensity...I mean the people behind me had tag-team fireworks going on and the people across the street. I was surrounded by things as big as over the river and that *BA BA BA BOOM!* And you never know when it's going to go off. The people setting 'em off know but when you're sitting in your yard trying to weed a garden, all of a sudden there's a *BOOM* out of nowhere, I mean I'm telling you.

I don't know if any of you all experienced...*(Inaudible)* the worst experiences in my entire life and I've lived here my entire life. So thank you Dan for trying it last year. Please, please try again. I speak for lots of people who couldn't be here. This is a really, really, really bad situation.

President Adams: Robin, I didn't do alone. My colleagues joined and we all...
Speaking Simultaneously

Robin Church: And all of you...

President Adams: We all worked on that together and I think we all need to work on that together again.

Speaking Simultaneously

Robin Church: And I appreciate all of you. Yeah, cause it's getting worse and the people I was going to talk...

Speaking Simultaneously

Council Attorney Danks: *(Off Mic) (Inaudible)*

President Adams: Sorry?

Robin Church:...to them about it so I drove my car over thinking maybe they'll listen to reason.

President Adams: Yeah.

Robin Church: Big galoots with their six-pack and their big dogs. I'm going, "Oh my God", and there's fireworks lined up on the sidewalk, in the street and they gave me dirty looks for driving down the street because they had to move their fireworks out of the street so please help us. And I also agree if the police, on occasion, would write a citation that would get out but right now everyone knows it's carte blanche. We can do whatever we want to and no one's going to do a daggone thing.

President Adams: I'm told that non-adults, kids without parental supervision, can get a ticket written. I'm not sure Mr...Officer...not whether this is true but I've heard this, and they get their fireworks confiscated.

Robin Church: These weren't children; I could understand children being that idiotic. These were grown adults...

President Adams: Gotcha.

Robin Church:...with their beers and they needed to have their toys taken away. That's all I have to say.

President Adams: What I hear from our colleagues tonight is that we would like to think posting a fireworks law....

Unidentified Speaker: *(Off Mic)* Actually you have some more.

President Adams:...and...I'll be with you in a second...maybe attacking the ten days, limiting the strength of powder, and perhaps discontinuing the other holidays. I want you all to think about that if we could.

You have...you wanted to say something. I'm sorry, Dan. I didn't...

Councilman McGinn: Oh, well while she's coming up, could we ask a representative of the Police Department to come to a meeting and tell us really what they do? I mean there's a lot non-information or...

President Adams: Sure.

Councilman McGinn:...misinformation.

President Adams: Sure.

Councilman McGinn: If we could find out what they...I'm sure they've responded to complaints. I've been told that they responded

Speaking Simultaneously

President Adams: Yeah, I'm sure. Want to come.

Councilman O'Daniel: And if I'm not mistaken, a few years ago we had, you know, real drought situations and there was no fireworks during this July 4th period of time. And actually I think it was suggested that move it all to Labor Day and I think that's what happened. Either Labor Day or perhaps it was...

Councilwoman Brinkerhoff-Riley: Veteran's Day.

Councilman O'Daniel: Veteran's Day; even further out so I mean...

Councilwoman Brinkerhoff-Riley: Yeah, that was the summer of 2012 because they got cancelled but you know the ordinance does say that you can't set them off on anything but your own property and that is clearly what's not followed. I mean every... in my neighborhood it's on the sidewalk, it's in the street, and I think those are easy violations to write up but it's probably the sheer volume in terms of the Police Department.

President Adams: Name and address please.

Carolyn Stagg: I do not have my name in but it's Carolyn Stagg at 700 Rheinlander. I'm the president of United Neighborhoods of Evansville.

But one thing that has not brought up was the clean-up afterwards. I helped clean up. I cleaned up the Civic Center parking lot on Sunday after. We got seven bags of large items. Now I know that the Sheriff come through with their inmates that were cleaning up and they asked me where else to go and I directed them to another couple parks. They also got several bags so...

It's on my property at home. It's on everybody's property, I'm sure, but to have these large public parking lots covered with crap that the...we have to clean it up, hand clean it up because the machines can't clean this up.

President Adams: Thank you.

Carolyn Stagg: So that's another aspect that has not even been addressed.

President Adams: Appreciate it.

Carolyn Stagg: You're welcome.

President Adams: Oh absolutely.

Councilwoman Brinkerhoff-Riley: I found it on the Greenway. They were out on the Greenway setting them off; bottle rockets.

Councilman McGinn: Every school parking lot.

Councilwoman Brinkerhoff-Riley: Every church. That was one of...Ms. Kuhn...was her church is primarily elderly people and when they went to church on Sunday, their parking lot was full. It was Keep Evansville Beautiful people that actually cleaned it up for them.

President Adams: I will send you a copy of what I think I've gleaned (*Inaudible*) your complaints or your interests are. We can all put some input. We can have the police come and talk to us and give us advice. Perhaps they can give us some advice about what was going on.

Sure, why not? We have two more people that want to talk about other subjects, but go ahead. I'm not sure they're still here but hopefully they are. Yeah.

Randy Jones: First, I'd like to address the notice on the fireworks laws. If you came into the fireworks store, I won't plug it, but if you came into the fireworks store I help with, we have it posted on the wall, what the regulations are. We always have.

You have to be 18 years old and show me an ID. I will not let you buy fireworks unless you're 18 years old and you show me an ID. Now as far...

President Adams: How many of your colleagues do that?

Randy Jones: I don't know. They should be and they should be required to and I think that's a good ordinance. I think that's one ordinance you all should enforce.

As far as the law goes, as far as fireworks goes, the only thing that's actually regulated in the State of Indiana is the stuff that goes up in the air and goes BOOM. I can put fountains in front of my yard and shoot 'em all day long. There is no reg...in fact, they're exempt. Noise makers, fountains that pop, crackle, that's all exempt. Mr. Danks, you may correct me on that but that's the way I read it anyway. We've got the laws posted. We keep 'em posted. Anyone that's doing any fireworks anywhere in but except on their property is in violation of the law and should be arrested, should be...or not arrested but should be cited, and I'm a fireworks person; I sell fireworks. I put on fireworks shows. I put on professional bigger than the river down here.

But when you get into the regulations, let's make the regulations for everyone so when you put that law in there and you say, "Okay, we're only going to have fireworks a certain day", Bosse Field can't have fireworks anymore because it's only certain days. Oh, I know they're commercial but I'll guarantee you, I'm on Oak Hill Road and they rattle my teeth. So when you start regulating fireworks, let's make sure it's...let's don't make it another smoking law where, you know, this guy can but this guy can't. Let's just eliminate ever (*Inaudible*) body. Or, I see all kinds of things where you call it wine on the streets, wine at the thing; I call it get drunk at the zoo, get drunk at the whatever, because I don't drink. Maybe we could have some days for fireworks and set off a location that people can do that too.

I mean there is compromise but the people that violate the law are the ones that are causing the problem, not the people that actually go by it. I have a site that I shoot at. If I have to shoot it commercial I have to pull a permit for it.

The clean-up part of it, that's disgraceful. I, you know, I don't understand that. I know a person that does use a church. They do get permission and in the morning and in the morning I guarantee you that park...that church is just absolutely spotless. They blow it off. So yeah, there's a lot of people's not going to do.

You know it's just like the guy that gets drunk at the zoo. He's going to go home and he might have a wreck. You know, I mean I'm sorry but you got...we're going give him a taxi cab. There's no difference in that. There's no difference in anything. Everybody's going to break the rules.

President Adams: Okay.

Randy Jones: As far as fireworks goes, yeah, there's veterans, there's dogs that get upset over fireworks. I guarantee you right now, I am not a person that gets too excited about anything but I've seen what those jets, those Blue Angels can do under combat and I've seen napalm bopped in front of me and I've seen people burned to death. Let me tell you what, I don't go to the river when them jets fly over. My cats run. So let's just ban that too that's going to interfere with a lot of vets and make people upset. Let's just ban anything that bothers somebody. Thank you.

President Adams: Thank you. Okay, any more comments about this? And I'll give you a...we can revisit this at another time.

Mary Simpson would like to talk about the EPA Consent Decree and...

Unidentified Speaker: *(Off Mic)* Sir?

President Adams:...blight issues. Is she still here? Great.

Unidentified Speaker: *(Off Mic)* Sir, can I do mine second *(Inaudible)*?

President Adams: Yeah, well it's a different issue, yeah. It is 8:30 but that's okay.

Mary Simpson, address?

Rita Brown: No, it's Rita Brown, 1301. I told you earlier that I had a second question.

President Adams: Sure.

Rita Brown: Anyway...

President Adams: Can you make it real short?

Rita Brown: Yes.

President Adams: Because we're letting you get up twice now.

Rita Brown: Right.

President Adams: And that's not usually our policy on the same subject. I thought you were coming up to talk. I thought you were Mary Simpson.

Rita Brown: It wasn't. It's not about the hotel.

President Adams: Okay.

Rita Brown: That's why I'm here a second time...

President Adams: Are you Mary Simpson?

Rita Brown:...because I didn't want to bring up...

President Adams: Are you Mary Simpson?

Rita Brown: No.

Councilman O'Daniel: *(Off Mic)* She's *(Inaudible)* Brown.

Councilwoman Robinson: She's Mary Brown.

Rita Brown: Rita Brown.

Council Attorney Danks: Rita Brown.

President Adams: Well I'm...is Mary Simpson...?

Council Attorney Danks: This is Rita Brown.

President Adams: Okay.

Councilman O'Daniel: *(Off Mic)* Mary Simpson is still back there.

President Adams: Okay, I apologize, Ms. Simpson; you're next.

Okay, go!

Rita Brown: My apologies.

Why did the DMD purchase nearly one million dollars of properties up North Main Street without the knowledge of the City Council and where did this money come from? And even before the Council's taken up the funding of the North Main Street project.

President Adams: Do you want to handle that? It's the Evansville Redevelopment Commission.

DMD Executive Director Coures: *(Off Mic)* I suppose I can.

Unidentified Speaker: *(Off Mic)* Is it still Monday?

Unidentified Speaker II: *(Off Mic)* No.

DMD Executive Director Coures: When we started putting together the North Main Complete Street project... *(Inaudible)* she's leaving. I'm answering...

Rita Brown: I'm listening.

DMD Executive Director Coures: Oh, okay. We realized...

President Adams: He's trying to claim that...he has to stand up; you should too.

DMD Executive Director Coures: We realized...yeah, yeah.

Rita Brown: Alright.

DMD Executive Director Coures: We realized with the protected bike path that's separating by a median on the street that we were going to lose some on-street parking on one side of North Main so the Redevelopment Commission approved the purchase of four properties along the commercial section of North Main so that we could have public parking on those parcels to replace the parking that will be lost on North Main with Complete Street if finished. The Redevelopment Commission approved that and the funds came from the down...from the Jacobsville TIF. Does that answer your question? Okay.

Rita Brown: Thank you.

President Adams: Okay, Mary Simpson; patient, wonderful woman. Can you make Kelley Coures get up for us again?

DMD Executive Director Coures: *(Off Mic)* Oh no.

Mary Simpson: Maybe. Hello, my name is Mary Simpson. I live at 5033 Great Lakes Drive South. My question, I have one of two, as when the public...when will the public hear of the status of the EPA Consent Decree? I can't even read. Took too long. Consent Decree in regards to the CSO. The last we heard was 540 million dollars but rumors indicate nearly 700 million dollars, preferably in Council Chambers.

President Adams: City lawyer want to handle that? It comes out of the Utility. You're on your own.

Mary Simpson: *(Inaudible)*

Chief of Staff Schaefer: Steve Schaefer. I apologize. Allen Mounts already stepped out. I asked him when they were doing the presentation on the Clear and...Clear the Path presentation on the easements, I asked Allen because he had had some conversations. We're still in negotiations with the EPA. They're having continual technical discussions with staff at the EPA so we're still hopeful we're coming to a resolution so but we're trying to get the best deal for the City under the federal mandate.

President Adams: But at this juncture you can't give her a hard number, a hard date.

Chief of Staff Schaefer: No, no I can't. Sorry.

Councilman McGinn: Steve, if I may on this too. Aren't there several hundred other cities also negotiating with the EPA on their CSO Consent Decrees?

Chief of Staff Schaefer: Yes.

President Adams: Pittsburgh is something like...

Speaking Simultaneously

Councilman McGinn: I mean that's why we don't get answers right away. I mean I think...

President Adams: Pittsburgh is something like up to 2.8 billion dollars.

Councilman McGinn: Yeah but there are hundreds cities doing the same thing we're doing. That's why these answers take a while.

Speaking Simultaneously

President Adams: Your next question ma'am?

Mary Simpson: Okay, we understand that some officials from the City have been studying the blight issue. What are the anticipated plans of action? When will it be implemented, if any? And at what cost and where will the source of funding come from?

Laughter

Councilman O'Daniel: Part of it...I will say this though: Part of this is that it should be in the budget as well because some blight elimination money is...has to be budgeted.

We can only cut so we can't add to anything. So we'll find out here in a month what the proposal is.

DMD Executive Director Coures: We are preparing an extensive document which will show the cost to taxpayer of doing nothing; of leaving approximately 1800 blighted structures standing in our neighborhoods. We'll show you the cost for police runs, fire runs, fires. We'll show you the cost of doing nothing. Remember it's a finite problem. We have to eliminate about 1800 blighted structures in the community. You can't do it all at once so what I'm going to ask in this 2016 budget is approximately two million dollars to expand the Brownfield Corporation, which is a City-managed, not-for-profit, into a full-fledged land bank where we take the first group of...I can't think...161...

Councilwoman Brinkerhoff-Riley: 161 properties.

DMD Executive Director Coures: Right, that were not sold at the tax sale in '13 and '14, which we can acquire for hardly anything. Demolish those, clear those lots, and then the next group will be the seal and secure the Building Commission has already flagged for demolition; see if we can't demolish those right away, so it's a progression. Remember, it's a finite problem. It's like a snake trying to swallow a mouse. The snake swallows in; it's big going through until it digests and...but those funds will come from...

Mary Simpson: There's no way of like putting those buildings maybe into better repair...

DMD Executive Director Coures: Well part of the plan...

Mary Simpson:...and use them for maybe the homeless or something to that...

DMD Executive Director Coures: Well the homeless are just burning them down. Ah, but part of the plan is to evaluate. The Building Commission will evaluate the ones coming off the tax sale that can be rehabbed. Are you familiar with Community One? Community One is an offshoot of Crossroads Christian Church who rehabs and does repair of homes for income qualified people. So the plan is to do an evaluation in three grades where it must be demolished, should be demolished, can be repaired with very little effort and minimal input, minimal financial input. And then those would be the ones that then would be auct...would be marketed to people who could renovate them and live in them and make them a home. But you can't...you can't put \$100,000 into a house that may only be worth \$50,000 when you're done with it.

Mary Simpson: But I mean wouldn't there be some kind of funds that could be put in place for some renovation of some though that could be renovated.

DMD Executive Director Coures: Well we fund. We fund Memorial Community Development Corporation's Emergency Home Repair for \$180,000 a year, which last year enabled over 50 low income persons to maintain their homes as home owners and then we have...Connie wants me to build dog houses with our HOME dollars now but we try and build as many homes as we can with our federal allocation.

Councilwoman Robinson: Oh be nice, Kelley.

DMD Executive Director Coures: I'm just kidding Connie.

Councilwoman Brinkerhoff-Riley: We found 41. I mean when the...

DMD Executive Director Coures: There's 41 in this first group...

Councilwoman Brinkerhoff-Riley: That can be rehabbed.

DMD Executive Director Coures: There are 41 that we think could be rehabbed. It's finding the people with the resources to do it.

Mary Simpson: I mean if there's people out there that can fund thousands and thousands dollars in these fireworks, couldn't they be putting their money into better...better...

DMD Executive Director Coures: I doubt they put much money in these finances.

Mary Simpson: I heard there was one person in particular just down the street from me that put \$2,000.00 into just fireworks. I mean talk about waste. *(Inaudible)* can't we get some kind of...

DMD Executive Director Coures: Did I answer your question?

Unidentified Speaker: *(Inaudible)* solve the blighted home problem. Burn down the whole neighborhood.

DMD Executive Director Coures: *(Off Mic)* Can I leave *(Inaudible)*?

President Adams: No, you can't.

Councilwoman Brinkerhoff-Riley: You can leave.

President Adams: Okay, I think we have...I think we have one more person, at least, to hear from. It's Tocatorra Clark. Is she here? Great.

Councilwoman Brinkerhoff-Riley: I think that whoever lives in her neighborhood *(Inaudible)*.

Speaking Simultaneously

President Adams: Ms. Clark wants to talk the DMD lead paint issue.

Tocorra Clark: Okay, the first one is that...my name's Tocorra Clark. I'm at 2601 Old Bridge Court. The first one is that I live in the inner-city and I have a small child and I understand the Council once considered decreasing the lead paint that we encounter in our older structures. What is the status of the amendment in regards to decreasing those lead levels?

President Adams: What is the status of the amendment that does what?

Tocorra Clark: In regards to decreasing those lead levels.

Councilman O'Daniel: *(Off Mic) (Inaudible)* the lead levels.

Council Attorney Danks: You recall, Doctor, we did draft a new...

President Adams: Yes we did.

Council Attorney Danks:...lead ordinance and...

Councilman O'Daniel: *(Off Mic)* There's an Indiana standard, right?

Council Attorney Danks: There is and we essentially adopted the Indiana, which did reduce the acceptable levels of lead poisoning.

President Adams: Well we got pushed back...we got pushed back from some people that did not want to bring the lead level down to a lower point that is necessary by what science tells us and eventually the Vanderburgh County Health Department dropped it and assumed the State regulation, which they can do, which actually is more prohibitive than what we were asking for.

Tocorra Clark: Okay. Alright, I have a second question and that's the Integra building on *(Inaudible)*...

President Adams: Excuse me. If you have a question I would contact the Health Department. They're very good at coming up and helping you with that problem.

Tocorra Clark: Okay. Thank you.

President Adams: You're welcome.

Tocorra Clark: The Integra building on North Main Street was purchased by the owner of Turoni's for additional parking for his restaurant and ironically the Department of Metropolitan Development came in to the picture and purchased from him, giving him approximately \$55,000 profit on this short term transaction. Now the City owns it and allows his patrons to park on the property. Why would this council not know about this and why would they...why would the DMD waste taxpayers' money?

President Adams: Kelley, would you get up and tell us why you're wasting taxpayers'...

Councilwoman Brinkerhoff-Riley: Oh, I thought you'd left.

DMD Executive Director Coures: *(Off Mic)* I'm on my way. *(Inaudible)*

The answer is the answer to that question is the same answer I gave the other young lady. When we realized we were losing on-street parking on one side of North Main with the Complete Street we acquired four parcels and Jerry graciously sold that to us...

Councilwoman Brinkerhoff-Riley: *(Off Mic)* Well I bet.

DMD Executive Director Coures: *(Off Mic)* ...to maintain this public parking *(Inaudible)* and we paid the average of two appraisals, which is what's required by law for the Redevelopment Commission, thank God we have Stan Wheeler on there, approved spending the Jacobsville TIF to acquire those four properties because if we don't own it, it can't be public parking.

Councilwoman Brinkerhoff-Riley: Yeah, but she makes a good point. He made \$55,000 after two years and he still gets to use it and if you drive over there on just about any given evening, it's consumed and it'll be even more so with the loss of the parking in front of his building so...

DMD Executive Director Coures: *(Off Mic)* We hope it'll be more consumed.

Councilwoman Brinkerhoff-Riley: My point is that there really won't be any room for public parking. He already uses it.

DMD Executive Director Coures: *(Off Mic)* *(Inaudible)*...if they get there first they will. Public parking is just that. If you get there first, it's public parking. If he owns it, it's not Public.

Councilwoman Brinkerhoff-Riley: Yeah, but it wasn't patrolled or enforced to begin with so I mean he's a...he laughed his way to the bank on that one.

DMD Executive Director Coures: *(Off Mic)* If we don't own it it's not public.

President Adams: Well he could have bought it for a steal.

Councilwoman Robinson: Well let me ask you a question Kelley. So where are they coming from or where they going to park at, the, you know, customers or what I mean Turoni's already...Turoni's customers are already parking there so what additional customers are going to park there?

DMD Executive Director Coures: *(Off Mic)* Well when...we're hoping, we're anticipating new business will open up on North Main when the Complete Street...did you read the economic development *(Inaudible)*?

Councilwoman Robinson: Yeah but I'm thinking of those two blocks is...those two blocks I'm thinking where...

Unidentified Speaker: *(Off Mic) (Inaudible)*

Councilwoman Robinson: Yeah, where is...where...you know, where are they coming from? Subway going...people that go to Subway, they're going to park down there?

DMD Executive Director Coures: Well Subway's building a new...Subway's building a new building on the Knotty Pine. See the Knotty Pine...someone said the Knotty Pine was demolished by the City but that's not true. It was...

Councilwoman Robinson: So Subway has decided to go across the street to the...

President Adams: Really?

DMD Executive Director Coures: Yeah. *(Inaudible)*

Councilwoman Robinson: But they're going to have their own parking space.

DMD Executive Director Coures: So they won't be parking there at Turoni's.

Councilwoman Robinson: Okay, so besides Turoni's customers, who's going to be parking there? That's what...

DMD Executive Director Coures: *(Off Mic) (Inaudible)*...we anticipate new businesses that will open in the block; require parking then.

Councilwoman Brinkerhoff-Riley: Not in that block though. I mean there's...that block's full.

DMD Executive Director Coures: *(Off Mic)* Well you can walk more than one block.

Councilwoman Brinkerhoff-Riley: I can't.

DMD Executive Director Coures: *(Off Mic)* Well I can't tonight because this has been the longest City Council meeting in the history of the City of Evansville.

Councilwoman Brinkerhoff-Riley: Unfortunately, that's not true.

Multiple Speakers: *Speaking Simultaneously (Inaudible)*

President Adams: Au contraire.

DMD Executive Director Coures: *(Off Mic)* It's the longest one this week.

Councilwoman Brinkerhoff-Riley: Yeah, this ye...yeah, yeah.

DMD Executive Director Coures: *(Off Mic)* But the reason...

Councilwoman Robinson: So if you...if the next block...I'm just trying to think about this now, the next block you have, what is it?

DMD Executive Director Coures: *(Off Mic)* We acquired a lot of *(Inaudible)*.

Councilwoman Robinson: That adult playground?

Councilwoman Brinkerhoff-Riley: The next block's got the IT place, the...

DMD Executive Director Coures: *(Off Mic)* HR Connect.

Councilwoman Brinkerhoff-Riley: HR, it's got the Kattman Realty old building but it's got its own.

Speaking Simultaneously

DMD Executive Director Coures: *(Off Mic) (Inaudible)* DiLegge's.

Councilwoman Robinson: DiLegge's? They going to walk from DiLegge's down?

DMD Executive Director Coures: *(Off Mic)* DiLegge's has their...he owns his own parking lot.

Councilwoman Brinkerhoff-Riley: Well DiLegge's is not in that next block. That's...it's in the third.

DMD Executive Director Coures: *(Off Mic)* HR...HR Connect.

Councilman Lindsey: Hey, what you're missing is those thousands of bicyclists that's going to be going up and down that street.

DMD Executive Director Coures: *(Off Mic)* They will. There will be. There'll be a lot more than there are now.

Councilman Lindsey: *(Inaudible)* you can put like three bicycles in every one of the slots. You're missing the big picture.

DMD Executive Director Coures: *(Off Mic)* There will be.

Councilman Lindsey: Yeah.

DMD Executive Director Coures: There will be. Stephanie will be there with her...well make sure you wear your helmet.

Is there anything else?

President Adams: We don't know yet.

Councilwoman Robinson: No, I just have one...how much profit did he make off of that? I need to get into that business.

DMD Executive Director Coures: I can't answer that for you.

Tocorra Clark: *(Off Mic)* \$55,000.

Councilwoman Robinson: Fifty-five?

DMD Executive Director Coures: I'll take your word for it.

Tocorra Clark: *(Off Mic)* Well I'm just...

DMD Executive Director Coures: But we...the Redevelopment Commission approved the *(Inaudible)*.

Speaking Simultaneously

Councilwoman Robinson: The terms of sales disclosure forms, those are available on-line.

DMD Executive Director Coures: I don't carry...I don't carry those around with me but the Redevelopment Commission, with your appointees, approved the purchase of those four parcels. And right under the bus with you Stan, right under the bus with you.

President Adams: Okay.

DMD Executive Director Coures: *(Inaudible)* to replace the on-street parking *(Inaudible)*.

President Adams: I'm not sure...I'm not sure we don't have another question for you.

DMD Executive Director Coures: Okay.

President Adams: Is there anyone that would like to talk about any other subject here tonight? Please.

City Clerk Windhorst: Doc, I'm going to change the tape real quick.

President Adams: Okay. If you would wait just a second or two while she changes the tape.

Councilwoman Brinkerhoff-Riley: Is that an eight-track?

Kenny Schuble: Kenny Schuble.

President Adams: Rrrrrroll 'em.

Kenny Schuble: Kenny Schuble, 2930 Gardenia Drive.

Council, as it seems the City has five lawsuits regarding violations of civil rights by the Evansville Police Department. One in particular relates to a grandmother and her grandchild, which the Seventh Circuit Court of Appeals remanded back to the district courts for trial. According to the court's ruling, the case will go forward. If the City loses this case and if the evidence that was brought forth to court is accurate, where will the City obtain settlement funds and why does it seem that we have such a large number of

alleged violations of civil rights? And what action has been implemented to prevent these occurrences in the future? And also, what was the cost of the litigation in these.

Councilman O'Daniel: *(Off Mic) (Inaudible)*...the cost of litigation.

Kenny Schuble: Litigation.

Councilman O'Daniel: *(Off Mic) (Inaudible)*

President Adams: We have an expert on that particular subject.

Kenny Schuble: Great.

Assistant City Attorney DeLucio: Marco DeLucio for the City Attorney's Office. I will ask Keith Vonderahe, who is on vacation this week as well. To answer some of these questions, I will tell you that there are a couple of "if the facts are alright", "if this", "if that". Well we don't know that's going to happen; that's the purpose of the trial, first of all.

Secondly, I believe that this is probably a covered, insured liability that J.W.F. would handle so there's insurance out there to cover that kind of thing. I believe that's correct but I'll have to confirm that with Mr. Vonderahe.

Councilwoman Brinkerhoff-Riley: Well isn't the Seventh Circuit not...didn't they...aren't they...didn't they allow the personal suit against the members of the Police Department.

Assistant City Attorney DeLucio: Again...again, Keith and Bob both litigated that issue and I will find that answer. I know it went up to the Seventh Circuit. I know it was remanded back to the district court for trial so I think...

Councilwoman Brinkerhoff-Riley: I think it may be insured anyway.

Assistant City Attorney DeLucio: I believe there was a motion to dismiss for some summary judgement.

Councilwoman Brinkerhoff-Riley: Yeah, it was. And you'll get us the cost?

Assistant City Attorney DeLucio: And that was turned down and a lot of times...a lot of times, Stephanie, you know this, that when you file a motion for summary judgement and a motion to dismiss, a lot of times those get remanded and so that's nothing out of

the ordinary really. So we will, as far as the...what the cost has been, we'll have to get back to you on that as well. So I'll take that question and will respond...

President Adams: Would you know that within a couple weeks?

Assistant City Attorney DeLucio: I would know that in time for the...Keith will be back. He's on vacation this week. I'll get with him and we'll be at the next City Council meeting...

President Adams: Would you mind coming back...

Assistant City Attorney DeLucio:...and answer the questions.

President Adams:...in a couple weeks and asking that question again?

Councilman O'Daniel: And I guess maybe to his point, how do we pay for it? It's insured but it covers under our liability insurance.

Kenny Schuble: I believe that's...I believe that's correct, Conor.

Councilman O'Daniel: So obviously the more claims we have, the more it's paid out, that might go up over time but...

Assistant City Attorney DeLucio: It's like any lawsuit. If you lose it you're going to have to pay for it. There's no question about that.

Councilwoman Brinkerhoff-Riley: Are you guys actually being paid by J.W.F. on this as opposed to the City for the litigation?

Assistant City Attorney DeLucio: I don't know 100% sure on that. I believe it's a J.W.F. case.

Councilwoman Brinkerhoff-Riley: Okay.

Assistant City Attorney DeLucio: I will find that out and answer that question.

Councilwoman Brinkerhoff-Riley: Okay.

Councilman Friend: Is it true that we have...do we have five cases?

Assistant City Attorney DeLucio: I can't answer that. I don't know if it's five, four, or six but there are...there are pending lawsuits that are being handled by our firm all the

time. Whether there are five civil rights cases, I couldn't tell you right now. I can tell you there's five lawsuits.

Councilman Friend: Can you let us know that?

Assistant City Attorney DeLucio: I can do that too.

Councilwoman Brinkerhoff-Riley: Yeah, because I think we had a new torts claim notice that was in our packet this time. Maybe the Hots Grill. You probably know that one.

Assistant City Attorney DeLucio: At any one time there's...I think there's a tort claim notice that comes in every day so that wouldn't surprise me. And I saw the one in the packet this evening.

Councilwoman Brinkerhoff-Riley: Okay.

President Adams: Okay, if you'll join us two weeks from now we'll answer that question. Remind me.

Councilwoman Brinkerhoff-Riley: He had a question about the City is doing in terms of policy to avoid this kind of thing but I think that's probably an EPD question. That's the one thing...

President Adams: Other question you have sir?

Kenny Schuble: Just one more. What form of approval mechanism is place to oversee what happens to the alleged abuse of travel by various departments? One in question, or one for example, is that of the selected fire officials traveling twice to New Orleans, coinciding with Mardi Gras.

Unidentified Speaker: *(Off Mic)* I believe the Chief's here.

Councilman O'Daniel: I guess the only this we could say, and I don't know the answer...

President Adams: Chief, you want to answer that.

Councilman O'Daniel: I guess every travel voucher would have to be approved but...

President Adams: I know we have a certain amount of money that we're allowed...

Councilman O'Daniel: Have to be authorized.

President Adams: for traveling and usually someone has a good thought and wants to make it, asks me or the president if it's a seemly way of doing it and Councilwoman Brinkerhoff-Riley went up to Detroit and I thought did a good job in terms of summarizing it.

Fire Chief Connelly: To answer your question about travel requests, we do have them approved through the Mayor's Office and Controller's Office; expenditures are all approved.

President Adams: Before the trip.

Fire Chief Connelly: Before the trip. When we purchase a firetruck, coincidentally the firetruck manufacturer is in Holden, Louisiana, 45 minutes outside of New Orleans and we never when through...during Mardi Gras.

President Adams: Okay, thank you.

Kenny Schuble: *(Off Mic)* Thank you.

President Adams: Okay, anybody else who would like to talk tonight? Sure, why not. There's somebody behind you but that's okay.

Steve Ary: Good evening Council. I promise you I only have 17 questions. I'm joking. I'm not going to do that to you.

Approximately one million of nation's poorest people are slated to be cut off of SNAP in October of this year and throughout 2016 as a three month limit on SNAP benefits for unemployment...unemployed adults ages 18 to 50 will be implemented, along with new requirements of the recipients to work for their food stamps. These individuals, whose average income while on SNAP equals 19% of the poverty level, lose food assistance after three months regardless of how hard they are looking for work.

More than 20,000 Evansvillians will suddenly lose approximately \$150.00 to \$200.00 per person, per month in food assistance.

According to the Center of Budget and Policy Priorities, we should prepare heavily affected local communities for increase in demand and food banks and homeless shelters. What is the City doing in preparation for this change, for the job market influx, and for the crime increase, which is sure to follow those who cannot find work or food? And if the City is doing nothing to prepare for this, why?

President Adams: You're representing the City tonight.

Steve Ary: I promise you I wrote this question myself.

Chief of Staff Schaefer: Great.

President Adams: I wasn't even aware of the problem, tell you the truth.

Chief of Staff Schaefer: Yeah.

President Adams: It's a change in federal law, obviously.

Chief of Staff Schaefer: Yeah I was just going to say I can take the question or we can certainly get an answer.

DMD Executive Director Coures: *(Off Mic) (Inaudible)*

Councilwoman Robinson: I think Kelley...

Chief of Staff Schaefer: Oh, Kelley.

Councilwoman Robinson:...has a sug...he has a...

President Adams: Oh my God.

DMD Executive Director Coures: *(Off Mic)* You lied to me.

Steve Ary: I did. *(Inaudible)*

DMD Executive Director Coures: And you look like an honest person.

Steve Ary: I try to be.

DMD Executive Director Coures: You lied to me.

Councilwoman Robinson: *(Off Mic)* Kelley, Kelley.

DMD Executive Director Coures: You...I'm just kidding. He said...he said, "I don't have any questions".

Councilwoman Robinson: *(Off Mic) (Inaudible)*

Steve Ary: I didn't think I had any questions.

President Adams: Kelley, it's 10 of 9:00, Kelley.

DMD Executive Director Coures: It's fine.

Councilman O'Daniel: Just answer his question.

DMD Executive Director Coures: We receive \$250,000 a year from HUD in what's called Emergency Solution Grants, ESG, and those funds are provided to seven local agencies which provide care and housing for the homeless and the bulk of the money goes to Aurora, which is set up as a centralized intake center for people who have become or are about to become homeless so that they can do what we like to call smart placement; find a place where the kids are already going school, find a place where mom may already have a job. So we fund about \$250,000 a year. One year I had to throw some CDBG in there but we fund almost 62 agencies with our public service dollars from Block Grant and last year we funded over 57,000 meals in the community for...with the Tri-State Food Bank, the Back...are you familiar with the Backpack Program?

Steve Ary: Yep.

DMD Executive Director Coures: We fund...we fund the Backpack Program, we fund Tri-State Food Bank, we fund...we fund a number of agencies that provide meals for people so hopefully the Congress will not cut either our Community Development Block Grant money for 2016 and especially our ESG grant which we use to take care of the most vulnerable people; the people who have no place to live. We just finished our Point in Time count which showed, on any given night, something like 400 are without housing and something like 60 are inhabiting a place no fit for human habitation...

Steve Ary: Right.

DMD Executive Director Coures:...like those dilapidated houses that we want to tear down. But DMD, we work with the YWCA, we work with the House of Bread and Peace, we work with Goodwill, we work with...we work with every agency that provides services to homeless people and we...this Council appropriates every cent of that money to those agencies so nothing...none of those funds ever falls out and has to be re-appropriated, like we talk about Block Grant money.

And I can tell you that my staff...I have one person on my staff who has more knowledge of homelessness in her brain than I will ever have in my entire lifetime and she works very diligently with the Homeless Service Council and the Commission on Homelessness.

Does that answer your question?

Steve Ary: Well, I think it answers my question as far as what you already do but I'm concerned about the increase.

DMD Executive Director Coures: So am I, so am I and I'm...I've got my fingers crossed that Congress won't cut our funds anymore but they're not going to send us any new funds, that I can tell you.

President Adams: Thank you sir.

Yes sir? One more; please sir, join us. Yes sir, you. Thank you for being so patient. Your name and address sir.

Unidentified Speaker: I've got the rest of my life.

President Adams: So do I. Name and address.

Ron Motteler: My name is Ron Motteler and I live and 2529 S. Ruston Avenue in Evansville, Indiana and I got a couple questions.

I got to read 'em. The property located at the corner of North Main Street and Columbia, commonly known as the CVS building, has been on the market for nearly three years with apparently no credible offers and now the City has purchased this for \$535,000. Now we understand that the City has no idea what to do with the structure or the property. Why would the DMD acquire such a property without knowing exactly what to do with it and for such a ridiculous amount of money?

Unidentified Speaker: *(Off Mic) Parking (Inaudible).*

Councilman O'Daniel: Parking.

President Adams: I thought it was going to be a community center.

Councilman O'Daniel: *(Off Mic) Parking, and it was going to be (Inaudible).*

President Adams: I thought it was going to be subleased.

Assistant City Attorney DeLucio: *(Inaudible)* See, rumors, rumors...

Councilwoman Brinkerhoff-Riley: No, I mean it was...

President Adams: Well that's what you told me about four months ago.

Councilwoman Brinkerhoff-Riley:...going to be a community center.

DMD Executive Director Coures: Well the only...

Councilwoman Brinkerhoff-Riley: The end of last summer...

DMD Executive Director Coures: The original plan, when the ERC...when your ERC representative voted to approve (*Laughter*)...

Unidentified Speaker: Approve the purchase.

DMD Executive Director Coures: We were going to demolish the building. We were going to demolish the building and repurpose the entire lot for parking. That was the initial thought process. Now, the building is not that old and it is in fairly decent shape. It needs some interior remodeling and for whatever purpose, we could find a tenant...might have to do some exterior work...adding windows. We've had...I've had some inquiries about the building. We have it up for...we have it...we're offering it for lease for the market...for the market lease price right now, which is \$1,500 triple net, which is very high for that building in that neighborhood.

Now what I told you was I had some inquiries from some not-for-profits who would be interested in locating in that building should we choose to not demolish it and should we choose to go ahead and lease it. We can't sell it because then it wouldn't be public parking anymore. But the big lot all around there is still public parking and will be public parking. The City will continue to own it. We are trying to source out a tenant for the building. For 30 days we have to offer it for the market price, for the average of two appraisals of rent for 30 days. After that 30 days is over then the Redevelopment Commission can entertain other offers below that appraised market price.

President Adams: Okay.

DMD Executive Director Coures: So I've had three, actually, not-for-profits express an interest in the building.

Councilman Friend: Kelley, what is the market rent price. What is it?

DMD Executive Director Coures: Its \$1,500 triple net.

Councilman Friend: Okay, that's 18...what is it a...

DMD Executive Director Coures: The taxes are roughly \$300.00 a month.

Councilman Friend: That's \$18,000...\$18,000 a year, isn't it?

DMD Executive Director Coures: About \$1,800...\$1,800 a month.

Councilman Friend: About 18...boy that thing wouldn't be worth more than \$200,000 a year on a 10% discount rate.

DMD Executive Director Coures: I think Friend Accounting should...

Councilman Friend: Yeah, yeah. What...I'm just saying...starting to say if you *(Inaudible)*
Speaking Simultaneously

DMD Executive Director Coures: But remember, it's only for 30 days. After that 30 days, the State statute says we can entertain lower offers...

Councilman Friend: I know but my point being if it's only two...it's under...if you're talking about \$18,000 a year on rent that building wouldn't be worth more than \$180,000. It wouldn't be worth more than a hun...why'd we pay \$535,000 for that thing?

DMD Executive Director Coures: The ERC...the ERC approved purchasing it at the average of two appraisals, which is following the State statute.

President Adams: Okay sir, you got your first question answered. What's your next question?

Ron Motteler: I don't believe he answered this. Where's the City going to obtain the funds for demolition?

Councilman O'Daniel: *(Off Mic)* Of what? *(Inaudible)*

President Adams: Well, we're not sure it's going...

Ron Motteler: If they tear it down.

President Adams: I'm not sure it's going to be demolished at this point.

Ron Motteler: Oh then that's...that question...

President Adams: Sounds like they're trying not to demolish it. I think it is a good building.

Councilman O'Daniel: *(Off Mic) (Inaudible)*

Councilwoman Brinkerhoff-Riley: It's not that old.

Councilman O'Daniel: *(Off Mic)* It'd be the Jacobsville TIF.

Ron Motteler: Okay, I've got another question.

President Adams: Sure.

Ron Motteler: Is it true that the DMD has purchased or is in the process of purchasing the vacant DAVCO located at the corner of Columbia and North Main for a substantial price? And if so, why hasn't the Council been informed of...

DMD Executive Director Coures: There's a one word answer for that sir.

Unidentified Speaker: *(Off Mic)* Heck no.

DMD Executive Director Coures: No. In sign language it's *(Visual Gesture)*.

Laughter

President Adams: Okay. Thank you sir. Any other people would like to get up? Sure. I like your glasses.

Daniel Follette: I have two questions and I will attempt to be brief. My name is Daniel Follette. I reside at 1650 Koch Avenue.

Is it true that Mr. Mounts has a plan growing to spend in excess of 50 million dollars on a northside water fac...wastewater facility? And wasn't this project...if so, wasn't this project scrapped by the former mayor as being unnecessary? And if that is the case, why would the Utility venture into this project, wasting more ratepayers' money?

President Adams: Do you want to know is the Utility Department looking to make a northside...

Daniel Follette: Northside wastewater.

President Adams:...utility processing of...sewer, sewer processing center?

Daniel Follette: Yes sir.

President Adams: I don't think it is.

Councilman Friend: Yeah, they did this back, I think under the...

President Adams: Yeah, they did but...

Councilman Friend:...back in 2007 I think Mayor Weinzapfel...

President Adams: Yeah.

Councilman Friend:... was going do it and then he scrapped it, I believe.

President Adams: Yeah, and then they decided they would build up the west and east ones; they didn't need a north one. To my knowledge, I don't think we're...

Councilman O'Daniel: *(Off Mic)* It was going to be out by the jail.

President Adams: I don't think we're out doing that.

Daniel Follette: Okay. Well thank you very much for that one and one other question. Is it true that there are national guidelines for professional certification to be a director of Director of Metropolitan Development?

Laughter

President Adams: Absolutely not.

DMD Executive Director Coures: *(Off Mic)* Obviously.

President Adams: Absolutely not.

Daniel Follette: And I understand that.

Councilwoman Brinkerhoff-Riley: Probably not, actually.

President Adams: You throw a dart at a board.

DMD Executive Director Coures: *(Off Mic)* Anybody...anybody can do it.

Councilwoman Brinkerhoff-Riley: He's a mortgage underwriter.

President Adams: I don't know, come on. Seriously, answer the question. I'm getting punching here. Answer the question.

DMD Executive Director Coures: No.

Unidentified Speaker: *(Off Mic)* That's ridiculous.

Daniel Follette: So there are...there are not? Okay, then that makes the rest of my question irrelevant and I thank you for your time.

President Adams: God bless you.

DMD Executive Director Coures: *(Off Mic)* Maybe you should ask it anyway.

President Adams: Okay.

Chief of Staff Schaefer: Maybe there is.

Multiple Speakers: *Speaking Simultaneously (Inaudible)*

Chief of Staff Schaefer: Does it start with, "Is it true?"

Unidentified Speaker: *(Off Mic) (Inaudible)*

Councilwoman Brinkerhoff-Riley: Come on, don't be a d*#k.

President Adams: Sir, wait a minute sir. That was an excellent question. Don't let these guys play games with you.

Unidentified Speaker: *(Off Mic)* This is how I *(Inaudible)* be treated.

DMD Executive Director Coures: I apologize.

President Adams: Okay.

Unidentified Speaker: *(Off Mic)* As you should.

President Adams: Okay, alright. Committee Reports; Public Works, Chairman Lindsey.

Councilman Lindsey: A well, we might just wait...just wait here. There's no sense going home. It's only a couple weeks. I mean come on.

President Adams: About two more, yeah, two more hours we'll be back again.

Councilman Lindsey: You know, let's just knock it all out.

COMMITTEE MEETING SCHEDULE FOR JULY 27, 2015

PUBLIC WORKS COMMITTEE

Re: **Ordinance G-2015-19 Amended**

Time: 5:20 p.m.

Notify: Marco DeLucio

CHAIRMAN AL LINDSEY

Amending Chapter 6.05 (Animal Control)
of the Evansville Municipal Code

Re: **Ordinance G-2015-21**

Time: 5:25 p.m.

Notify: Joe Calderon

Vacate Certain Platted Easements within the Property Bounded by Diamond Avenue to the South, First Avenue to the East, Colorado Avenue extended to the North, and N. Third Avenue Extended to The West with Common Address of 2500 N. First Avenue

A.S.D. COMMITTEE

Mr. President, there's nothing at this time But I think the Clerk's Office opens in a few hours so I mean there might be something filed but nothing at this time.

**CHAIRWOMAN STEPHANIE
BRINKERHOFF-RILEY**

FINANCE COMMITTEE

No meetings scheduled at this time.

CHAIRMAN CONOR O'DANIEL

President Adams: There are some bars on Main Street that are still open.

ADJOURNMENT

President Adams: Okay, motion for adjournment.

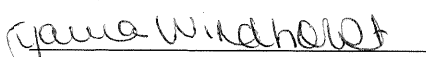
Councilwoman Mosby: So moved.

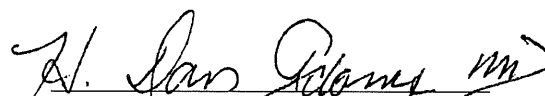
Councilman McGinn: Second.

President Adams: Thank you.

Bang of gavel

Meeting adjourned at 9:03 p.m.


Laura Windhorst, City Clerk


H. Dan Adams, President